

MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

- (1) "A.A.C." means the Arizona Administrative Code
- (2) "Accredited Program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, recertification, discipline and grievance procedures; and test development and administration.
- (3) Additive.
 - (a) "Food Additive" has the meaning stated in A.R.S. § 36-901 (7).
 - (b) "Color Additive" has the meaning stated in A.R.S. § 36-901 (2).
- (4) "Adulterated" means possessing one or more of the conditions enumerated in A.R.S. § 36-904 (a) or listed below:
 - (a) It does not meet the requirements of the regulations and definitions for standard, fill and quality of the Federal Food and Drug Administration.
- (5) "Applicant" means the following person requesting a permit:
 - (a) If an individual, the individual who owns the food establishment or their designee;
 - (b) If a corporation, any 2 officers of the corporation;
 - (c) If a limited liability company, the designated manager or, if no manager is designated, any 2 members of the limited liability company;
 - (d) If a partnership, any 2 of the partners;
 - (e) If a joint venture, any 2 individuals who signed the joint venture agreement;
 - (f) If a trust, the trustee of the trust;
 - (g) If a religious or nonprofit organization, the individual in the senior leadership position within the organization;
 - (h) If a school district, the superintendent of the district;
 - (i) If an agency, the individual in the senior leadership position within the agency; or
 - (j) If a county, municipality, or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
- (6) "Approved" means acceptable to the Department or to the food regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (7) "A.R.S." means the Arizona Revised Statute.

- (8) “A_w” means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by symbol A_w.
- (9) “Bakery” means any place in which is carried on the process of mixing, compounding, cooking, baking, or manufacturing any bakery product.
- (10) “Bakery Product” means any bread, biscuits, pretzels, crackers, buns, rolls, macaroni or any similar pastes, pastries, cakes, doughnuts, pies or other food products of which flour or meal is the principal ingredient. Bakery products shall include the materials from which the above are manufactured, but shall not include packaged mixes.
- (11) “Beverage” means a liquid for drinking, including water.
- (12) “Beverage Plant” means an establishment in which is carried on the process of bottling, canning or packaging any beverage.
- (13) “Bottle” means and includes any container used for the finished product regulated by this code.
- (14) “Bottled Drinking Water” means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water and is in compliance with AAC Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, Paragraphs a & b.
- (15) “Certification Number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.
- (16) “CIP” means clean in place.
 - (a) “CIP” means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.
 - (b) “CIP” does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.
- (17) “CFR” means Code of Federal Regulations. Citations in this code to the CFR refer sequentially to the title, part, and section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.
- (18) “Code of Federal Regulations” means the compilation of the general and permanent rules published in the Federal Register by the executive Departments and agencies of the Federal Government which:
 - (a) Is published annually by the U.S. Government printing office; and
 - (b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and wildlife and fisheries rules in 50 CFR, as amended at the time of their application.
- (19) “Comminuted” means any food items including fish or meat products that are reduced in size by methods including chopping, flaking, grinding, or mincing and are restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausage made from 2 or more meats.
- (20) “Commissary” means a food establishment or any other approved place in which food, food containers, or food supplies are kept, handled, prepared, packaged or stored.
- (21) “Confirmed Disease Outbreak” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

- (22) "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment, and does not offer the food for resale.
- (23) "Converting" or "Converted" or "Conversion" when used in regards to frozen desserts shall be deemed to mean the process by which a frozen dessert is changed from a frozen to a semi-frozen form without any change in the ingredients thereof.
- (24) "Corrosion Resistant Material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- (25) "Critical Control Point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
- (26) Critical Item.
 - (a) "Critical Item" means a provision of this code, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.
 - (b) "Critical Item" is an item that is denoted in Chapter VIII, Section 2 with an asterisk *.
- (27) "Critical Limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.
- (28) "Damaged Food" means any food, whether or not packaged, which has been subjected to deleterious or destructive influences from fire, heat, freezing, radiation, physical damage, total or partial immersion in sewage, contaminated liquids or water, excessive shelf life or storage, or from any other circumstances, and which is held, offered for sale, sold, or given away for human consumption.
- (29) "Department" means the Maricopa County Environmental Services Department.
- (30) "Dispensing Freezer (Frozen Desserts)" means the type of equipment which freezes or partially freezes frozen desserts so they are served in a soft condition for sale to the retail customer. Dispensing freezers shall meet the minimum standards of design to construction as formulated by an American National Standards Institute Accredited Certification Program; only that equipment which is designed and constructed in accordance with the applicable standard may be installed as new or replacement equipment.
- (31) Drinking Water.
 - (a) "Drinking Water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations.
 - (b) "Drinking Water" is traditionally known as "potable water."
 - (c) "Drinking Water" includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.
- (32) "Dry Storage Area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.

- (33) Easily Cleanable.
- (a) "Easily Cleanable" means a characteristic of a surface that:
 - (i) Allows effective removal of soil by normal cleaning methods;
 - (ii) Is dependent on the material, design, construction, and installation of the surface; and
 - (iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.
 - (b) "Easily Cleanable" includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subparagraph (a) of this definition to different situations in which varying degrees of cleanability are required such as:
 - (i) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
 - (ii) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.
- (34) "Easily Movable" means:
- (a) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
 - (b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.
- (35) "Employee" means the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.
- (36) "EPA" means the U.S. Environmental Protection Agency.
- (37) Equipment.
- (a) "Equipment" means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
 - (b) "Equipment" does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.
- (38) "FC" means the United States Food and Drug Administration publication, Food Code: 1999 recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in A.A.C. R9-8-107.
- (39) Fish.
- (a) "Fish" means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.
 - (b) "Fish" includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.
- (40) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

- (41) "Foodborne Disease Outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food, and the current definition provided by the U.S. Centers for Disease Control and Prevention.
- (42) "Food Catering" means and refers to any establishment in which the process of preparing food products or food is carried on at one premise for service and consumption at another off-site location for a temporary event or other occurrence.
- (43) "Food-Contact Surface" means:
 - (a) A surface of equipment or a utensil with which food normally comes into contact; or
 - (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
 - (i) Into a food, or
 - (ii) Onto a surface normally in contact with food.
- (44) "Food Employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (45) Food Establishment.
 - (a) "Food Establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:
 - (i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
 - (ii) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
 - (b) "Food Establishment" includes:
 - (i) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the Department; and
 - (ii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.
 - (c) "Food Establishment" does not include:
 - (i) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Department;
 - (ii) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department; or
 - (iii) A private home that receives catered or home-delivered food.

- (46) "Food Jobber" means any wholesale establishment in which food, not manufactured, on the premises, is offered for sale for ultimate human consumption.
- (47) "Food Processing Plant."
 - (a) "Food Processing Plant" means a food establishment that manufactures, packages, labels, or stores food for human consumption.
- (48) "Food Readily Perishable" means any food or ingredient capable of supporting rapid and progressive growth of spoilage microorganisms.
- (49) "Frozen Desserts" means ice cream, frozen custard, french ice cream, ice milk, quiescently frozen confection, quiescently frozen dairy confection, french custard ice cream, artificially sweetened ice cream, manufactured desserts mix, whipped cream confection, bisque tortoni sherbets, water ice and mellorine frozen desserts and all such other products, together with any mix, used in making such frozen desserts, and any other products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products.
- (50) "Frozen Desserts Mix" means any pasteurized mix that is converted into frozen dessert.
- (51) Game Animal.
 - (a) "Game Animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 CFR Subchapter A - mandatory meat inspection, Part 301, as poultry in 9 CFR Subchapter C - mandatory poultry products inspection, Part 381, or as fish as defined under Subparagraph 1-201.10(b)(26).
 - (b) "Game Animal" includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
 - (c) "Game Animal" does not include ratites such as ostrich, emu, and rhea.
- (52) "General Use Pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.
- (53) "Grade A Standards" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.
- (54) Group Residence.
 - (a) "Group Residence" means a private or public housing corporation or institutional facility that provides living quarters and meals.
 - (b) "Group Residence" includes a domicile for unrelated persons such as a retirement home or a long-term health care facility.
- (55) "HACCP Plan" means a written document that delineates the formal procedures for following the hazard analysis critical control point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
- (56) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- (57) "Hermetically Sealed Container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.
- (58) "Highly Susceptible Population" means a group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

- (59) "Hot Liquid Food or Beverage" means liquid food or beverage, the temperature of which at the time of service to the consumer is at least 130°F. (54°C.).
- (60) "Ice" means the product, in any form, obtained as a result of freezing water.
- (61) "Ice Manufacturing Plant" means any establishment, together with the necessary appurtenances, in which ice is manufactured or processed, and stored, packaged, distributed or offered for sale for human consumption, or for use in which it may come into contact with food equipment or utensils, or with food or beverage intended for human consumption.
- (62) "Imminent Health Hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
 - (a) The number of potential injuries, and
 - (b) The nature, severity, and duration of the anticipated injury.
- (63) "Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."
- (64) "Insanitary" means unclean or unhealthy and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation which is not adequately protected from insects, flies, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; or to refuse, dirt, or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution, or transportation of food which are not removed daily; or to machinery, equipment, and utensils used in food processing, preparation, manufacture, packing, storing, sale, distribution or transportation which are not maintained in a clean condition; or to clothing of persons engaged in food handling which is unclean; or to any other condition determined by the Department to constitute a health hazard.
- (65) "Juice", when used in the context of food safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrate of such liquid or purée. This definition does not apply to standards of identity.
- (66) "Kitchenware" means food preparation and storage utensils.
- (67) "Law" means applicable local, state, and federal statutes, regulations, code and ordinances.
- (68) "License" means the permit document issued by the Department that authorizes a person to operate a food establishment.
- (69) "License Holder" means the entity that:
 - (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
 - (b) Possesses a valid permit to operate a food establishment.
- (70) "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- (71) "Manufacturing" or "processing" means treating, compounding, blending, cooking, baking, packaging, pasteurizing, bottling, or any other method of preparing food for consumption.
- (72) "Meat" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under subparagraphs regulations, codes and ordinances.

- (73) "Mg/l" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- (74) "Miscellaneous Food" means a retail food establishment that sells only non-potentially hazardous food. The total sales/display area shall be limited to ten linear feet.
- (75) "Mislabeled" or "Misbranded" means wrongly labeled or branded and the term shall apply to any food if it does not conform to the Federal Food and Drug Administration requirements for labeling located in 21CFR101.
- (76) "Mobile Food Service" means a food establishment selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station. Mobile food establishments are classified as follows:
- (a) "Mobile Food Unit" means and refers to an enclosed vehicle-mounted food establishment designated to be readily movable from which food is composed, compounded, processed or prepared and from which food is vended, sold or given away.
 - (b) "Pushcart" means and refers to a non-self-propelled vehicle designated to be readily movable which is limited to the serving of non-potentially hazardous foods or commissary- wrapped potentially hazardous food maintained at proper temperatures or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.
 - (c) "Food Peddler" means and refers to a retail food establishment in operation from a vehicle designated to be readily movable from which properly labeled non-potentially hazardous foods or packaged potentially hazardous foods held at proper temperatures, frozen, or canned prepared food which is wrapped, packaged, portioned, kept in ready-to-eat units or raw fruits and vegetables are vended, sold, or given away but in which establishment the food is not composed, compounded, thawed, reheated, cut, cooked, processed or prepared. Food peddlers may dispense soda fountain drinks, hot drinks, and assemble snow cones from approved and properly installed equipment.
 - (d) "Temporary Food Establishment" means and refers to a food establishment that operates in conjunction with a fair, rodeo, exhibition or similar public event for not more than fourteen (14) consecutive days within any permit year provided it is the same permittee, at the same location and the same event. At the termination of the event the temporary food service establishment shall be removed from the premises.
 - (e) "Seasonal Food Establishment" means and refers to a food establishment that operates in conjunction with one public celebration or similar event for fifteen (15) to one hundred twenty (120) days within any permit year. At the termination of the event, the seasonal food establishment shall be removed from the premises.
 - (f) "Adventure Food Establishment" means and refers to a food establishment that operates in conjunction with a trail ride or similar type activity and prepares or serves food to participants.
- (77) "Molluscan Shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.
- (78) Packaged.
- (a) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped.

- (b) "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
- (79) "Pasteurization (Frozen Desserts)" means the process of heating every particle of mix to at least 155°F. and holding at such temperature for at least 30 minutes, or to at least 175°F. and holding at such temperature continuously for at least 25 seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed to prevent the use of another process which has been demonstrated to be equally efficient and is approved by the Department.
- (80) "Permit" means the document issued by the Department that authorizes a person to operate a food establishment.
- (81) "Permit Holder" means the entity that:
 - (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
 - (b) Possesses a valid permit to operate a food establishment.
- (82) "Person" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- (83) "Person in Charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.
- (84) Personal Care Items.
 - (a) "Personal Care Items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.
 - (b) "Personal Care Items" include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.
- (85) "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.
- (86) "Physical Facilities" means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.
- (87) "Plant (Frozen Desserts)" means any place, premises, or establishment or any part thereof, including specific applicable areas in retail stores, stands, hotels, restaurants and other establishments where frozen desserts are stored, frozen or converted in form for distribution and/or for sale and shall include rooms or space where utensils or equipment are stored, washed or sanitized and where ingredients for use in manufacturing frozen desserts are stored. The term "Plant" shall be deemed to include the following:
 - (a) "Mobile Unit" means any vehicle on which frozen desserts are manufactured, prepared, processed, or converted and which is used in selling and dispensing, frozen desserts. It shall include temporary buildings, which may be moved from place to place.
 - (b) "Mobile Unit Depot" means a building from which mobile units operate, where equipment facilities thereof are cleaned and sanitized, and where frozen desserts for sale from such mobile units may be handled or stored.
- (88) "Plumbing Fixture" means a receptacle or device that:
 - (a) Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

- (b) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.
- (89) "Plumbing System" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.
- (90) "Poisonous or Toxic Materials" means substances that are not intended for ingestion and are included in 4 categories:
 - (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
 - (b) Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;
 - (c) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
 - (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.
- (91) Potentially Hazardous Food.
 - (a) "Potentially Hazardous Food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
 - (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
 - (ii) The growth and toxin production of *Clostridium botulinum*; or
 - (iii) In raw shell eggs, the growth of *Salmonella enteritidis*
 - (b) "Potentially Hazardous Food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under subparagraph (a) of this definition.
 - (c) "Potentially Hazardous Food" does not include:
 - (i) An air-cooled hard-boiled egg with shell intact;
 - (ii) A food with an A_w value of 0.85 or less;
 - (iii) A food with a pH level of 4.6 or below when measured at 24°C. (75°F.);
 - (iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
 - (v) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* in eggs or *C. botulinum* can not occur, such as a food that has an A_w and a pH that are above the levels specified under subparagraphs (c)(ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
 - (vi) A food that does not support the growth of microorganisms as specified under subparagraph (a) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.
- (92) Poultry.

- (a) "Poultry" means:
 - (i) Any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead, as defined in 9 CFR 381 Poultry Products Inspection Regulations; and
 - (ii) Any migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, or guineas, whether live or dead, as defined in 9 CFR 362 Voluntary Poultry Inspection Program.
- (b) "Poultry" does not include ratites.
- (93) "Premises" means:
 - (a) The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
 - (b) The physical facility, its contents, and the land or property not described under subparagraph (a) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.
- (94) "Prepare" means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
- (95) "Primal Cut" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.
- (96) "Product Contact Surface" means any surface, including but not limited to piping, machinery, equipment, containers or utensils of any description, with which food comes into contact.
- (97) "Public Health Control" means a method to prevent transmission of foodborne illness to the consumer.
- (98) "Public Water System" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.
- (99) Ready-To-Eat Food.
 - (a) "Ready-To-Eat Food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.
 - (b) "Ready-To-Eat Food" includes:
 - (i) Potentially hazardous food that is unpackaged and cooked to the temperature and time required for the specific food under Subpart 3-401;
 - (ii) Raw, washed, cut fruits and vegetables;
 - (iii) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and
 - (iv) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.
- (100) "Reconstituted" means dehydrated food products recombined with water or other liquids.
- (101) Reduced Oxygen Packaging.
 - (a) "Reduced Oxygen Packaging" means:
 - (i) The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding, 21% oxygen atmosphere, and

- (ii) A process as specified in Subparagraph (a)(1) of this definition that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.
- (b) "Reduced Oxygen Packaging" includes:
 - (i) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide;
 - (ii) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen; and
 - (iii) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.
- (102) "Refrigerated Warehouse" means any place, other than a restaurant, store, home or eating establishment with refrigerated space exclusively for its own use, providing refrigeration and refrigerated storage service to the public with facilities to cool and keep food other than fresh unprocessed fruits and vegetables at a temperature at or below 41°F. (5°C.).
- (103) "Refuse" means solid waste not carried by water through the sewage system.
- (104) "Regulatory Authority" means the Maricopa County Environmental Services Department.
- (105) "Remodel" means to change the physical facilities or plumbing fixtures in a food establishment's food preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old equipment with new equipment of the same type.
- (106) "Requester" means a person who requests an approval from the Department, but who is not an applicant or a permit holder.
- (107) "Restricted Use Pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.
- (108) "Retail Food Establishment" means any retail establishment, stationary or mobile, other than a restaurant, engaged in the business of selling food at retail for human consumption. This definition shall apply whether all or part of the goods sold in the establishment constitute foodstuffs.
- (109) "Safe Material" means:
 - (a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
 - (b) An additive that is used as specified in § 409 or 706 of The Federal Food, Drug, and Cosmetic Act; or
 - (c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.
- (110) "Sanitary" means clean, healthy and not deleterious to health and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale,

- distribution, or transportation which is adequately protected from flies and other insects, rodents, dust and dirt and by all reasonable means from all other foreign or injurious contamination; and shall apply to the absence of refuse, dirt, or waste products subject to decomposition.
- (111) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.
 - (112) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.
 - (113) "Service Animal" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
 - (114) "Servicing Area" means the portion of a commissary to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
 - (115) "Service Kitchen" means and refers to a food service establishment that operates in conjunction with a permitted food establishment and shall be operated and maintained in compliance with the appropriate provisions of the Maricopa County Environmental Health Code.
 - (116) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
 - (117) "Shellfish Control Authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.
 - (118) "Shellstock" means raw, in-shell molluscan shellfish.
 - (119) "Shucked Shellfish" means molluscan shellfish that have one or both shells removed.
 - (120) "Single-Service Articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.
 - (121) Single-Use Articles.
 - (a) "Single-Use Articles" means utensils and bulk food containers designed and constructed to be used once and discarded.
 - (b) "Single-Use Articles" includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse utensils.
 - (122) "Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C. (-10°F.) to -4°C. (25°F.) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.
 - (123) "Smooth" means:
 - (a) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;
 - (b) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
 - (c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

- (124) "Table-Mounted Equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.
- (125) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.
- (126) "Temperature Measuring Device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.
- (127) "Uniform Mechanical Code" means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.
- (128) "Uniform Plumbing Code" means the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.
- (129) "USDA" means the U.S. Department of Agriculture.
- (130) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; food temperature measuring devices; and probe-type price or identification tags used in contact with food.
- (131) "Variance" means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.
- (132) "Vending Machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.
- (133) "Vending Machine Location" means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.
- (134) "Vending Machine Operator" means anyone who as the owner or person in charge, furnishes, installs, services, operates or maintains one or more vending machines.
- (135) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.
- (136) "Whole-Muscle, Intact Beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.
- (137) "Wholesome" means clean, free from spoilage, and safe for human consumption.

REGULATION 2. Approval of Plans Required

- a. No food establishment shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the premises have been submitted to and approved by the Department; nor shall any construction, alteration, or addition be made except in accordance with approved plans and specifications. The owner, operator, or his authorized agent shall certify in writing that the plan documents comply with these regulations.
- b. The approval shall expire at the end of one year unless the project contemplated in the approved plans is substantially under construction by that time.
- c. Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications shall be submitted to the Department for

review, and approval shall be obtained before the work affected by the change is undertaken. Structural changes or minor revisions not affecting health and sanitation will be permitted during construction without further approval.

REGULATION 3. Permit Required

No person shall operate a food establishment, food service establishment, retail food establishment, food processing establishment or a food catering establishment without a valid permit to do so from the Department or otherwise than in compliance with the applicable regulations in the Environmental Health Code. The permit shall be posted in a conspicuous place on the premises of the food establishment.

REGULATION 4. Access to Premises

The owner or operator shall admit a representative of the Department at any reasonable time upon request, to any part of a food establishment for the purpose of inspection, and shall permit the copying of any or all records of food purchased or disposed of.

REGULATION 5. Embargoed Food

The Department, having reason to suspect that any food is unwholesome, spoiled or otherwise unsafe or unfit for human consumption, may forthwith label or seal such food as "withheld" or "embargoed." Such labeled or sealed food shall then be set apart from other foods by its owner and not used, sold or given away until the Department has had reasonable opportunity to cause a proper examination of the food to be made. After examination, the Department may remove the label or seal, or may direct the owner or person in charge of the food to denature, remove or destroy such food or to bring it into compliance with the requirements of this code, which he shall do.

REGULATION 6. Condemned Equipment

If after examination, the Department determines that a food utensil or food equipment is worn, defective, insanitary or otherwise prejudicial to health, such utensil or equipment may be labeled "condemned" by the Department and the utensil or equipment so labeled may not thereafter be used for food storage, preparation, handling or serving. The Department may direct the owner to bring the condemned utensil or equipment into compliance with the requirements of this code or to remove it from the food establishment, or replace it with approved units, which he shall do.

REGULATION 7. Removal of Seal

A "withheld," "embargoed" or "condemned" label, tag or seal, having once been affixed by the Department to food or equipment, shall be removed only by the Department except as otherwise provided by law.

REGULATION 8. General Sanitation

The following shall be complied with in all food establishments:

- a. All parts, equipment, and facilities of every food establishment, and all vehicles used in transporting food, shall be kept in a clean, healthful and sanitary condition, and in compliance with the pertinent provisions of this Health Code.
- b.
 - (1) All food shall be from approved, or if originating from a source beyond the Department's jurisdiction, approvable sources, and shall be clean, wholesome, free from spoilage, adulterations, mislabeling and misbranding, and safe for human consumption.
 - (2) Food once served to a customer shall not be served again to another customer except that packaged food, other than potentially hazardous food, still packaged and in sound condition, may be re-served.
- c. All food while being stored, handled, prepared, processed, displayed, served, sold or given away at a food establishment, or during transportation, shall be adequately protected from all forms of contamination, spoilage, adulteration, mislabeling, misbranding, and shall be safe for human consumption. Suitable means shall be employed to eliminate manual contact with unpackaged ready to eat food and minimize contact with all other food.
 - (1) Wet storage of packaged products is prohibited.
 - (2) Ice intended for human consumption or in direct contact with food shall be kept and handled as required for food and shall be dispensed by employees only using scoops, tongs, or other ice dispensing utensils or through automatic ice-dispensing equipment. Dispensing utensils shall be stored on a clean surface or in the ice with the handle extended out of the ice. Between uses, ice transfer equipment shall be protected from contamination. Ice storage bins shall be drained across an air gap. Cooling tubes or coils conveying beverages through ice to dispenser heads are acceptable.
 - (3) Bulk food such as cooking oil, syrup, salt, sugar or flour shall be stored in containers identifying the food by common name.
 - (4) Suitable dispensing utensils shall be used or provided to consumers who serve themselves. Multiuse dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food; or stored clean and dry; or stored in running water; or in a container of water if the water is maintained at a temperature greater than 130°F. and the container is cleaned at least every 24 hours or at a frequency to maintain the container clean.
 - (5) Condiments, seasonings, dressings and sauces shall be provided in individually sealed packages, excepting that multi-use dispenser or containers of such foods which are protected in an approved manner from all forms of contamination or spoilage may also be used.
 - (6) Excepting for beverage cups and glasses, reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited.
- d. Food readily perishable--potentially hazardous.

- (1) Food readily perishable shall be maintained at a temperature not lower than 130°F. (54°C.), frozen food must remain frozen, or not higher than 41°F. (5°C.) whichever is applicable, except during actual processing. Subsequent to processing, the food shall be returned to the temperature necessary for the preservation of its sanitary quality and wholesomeness in the minimum time consistent with good processing technique for the particular food.
- (2) Prior to service or use, potentially hazardous foods requiring cooking shall be cooked sufficiently to heat all parts of the food to a temperature of at least 130°F. (54°C.) except that:
 - (a) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F. (74°C.) for 15 seconds with no interruption of the cooking process.
 - (b) Raw animal foods cooked in a microwave must be covered, and rotated or stirred halfway through the cooking process, and cooked to 165°F. (74°C.) and held for two minutes prior to service.
 - (c) Ratites; injected meats; comminuted fish and meats; commercially raised and processed game animals; exotic animals; rabbits; or raw shell eggs not prepared for immediate service must be cooked to 155°F. (68°C.) for 15 seconds.
 - (d) Roast beef shall be cooked to an internal temperature of at least 130°F. (54°C.) and beef steak shall be cooked to a temperature of 130°F. (54°C.) unless otherwise ordered by the immediate consumer.
- (3) Liquid frozen, dry eggs and egg products shall be used only for cooking and baking purposes. The use of cracked or checked eggs is prohibited.
- (4) Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F. (74°C.) or higher throughout before being used or served.
- (5) Potentially hazardous foods shall be thawed:
 - (a) In refrigerated units at a temperature not to exceed 45°F. (7°C.); or
 - (b) Completely submerged under potable running water of a temperature of 70°F. (21°C.) or below, with sufficient water velocity to agitate and float off loose food particles; or
 - (c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
 - (d) As part of the conventional cooking process.
- (6) Metal stem-type numerically scaled indicating thermometers, accurate to $\pm 2^{\circ}\text{F}$. (1°C .) shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

- (7) Nondairy creaming or whitening agents shall be held in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
- (8) Nondairy creaming, whitening, or whipping agents reconstituted on the premises shall be stored in sanitized, covered containers and cooled to 45°F. (7°C.) or below within 4 hours after preparation.
- (9) No oysters, clams, or mussels shall be stored, handled, processed, packed or repacked, held for sale, sold or given away unless:
 - (a) They have been grown, harvested, processed and transported in accordance with requirements of the United States Public Health Service Shellfish Certification Program; and unless:
 - (b) All interstate shipments held are accompanied by the tag, label, or other approved mark showing that the shipper has been duly certified by the State, Province, or Country of origin, and the name and certificate number of the shipper is included on the current United States Public Health Service Shellfish Certification list.
- (10) Shellfish shall be so stored, handled, processed, packed or repacked, held for sale, sold or given away that its true origin may be traced with facility. Specifically:
 - (a) All vendors or purveyors of shellfish at retail, including food establishments, shall sell or furnish shellfish in or from the original container as received and identified from the interstate source; or if furnished in any other way, shall retain for a period of 90 days after disposition of any consignment of shellfish the invoices or other documents which identify the source or origin of the shellfish.
 - (b) All shellfish vendors or purveyors not described in subparagraph (a) above shall hold shellfish in their original shipping containers marked as required, or if the distributor or wholesaler repacks or processes the shellfish, the containers or packages thereof shall be identified with the certificate number showing the origin of the shellfish and the wholesaler's or distributor's name and address.
- e. Construction - Buildings shall be of sound and tight construction. Studs, joists and rafters shall not be exposed in walk-in refrigeration units, food preparation areas, equipment and utensil washing areas or toilet rooms. Exposed utility service lines, ducts and pipes shall be so installed as to facilitate cleaning.
- f. Floors
 - (1) Floors shall be of impervious construction where they are subject to flooding, spillage, or other conditions of hard use, such as in food preparation and storage areas and utensil washing areas, and shall be easily cleanable, non-slip and where necessary graded to drain. The juncture of floors and walls shall be coved. The use of loose wood shavings, peanut hulls or similar materials on floors is prohibited.

- (2) Carpeting, where permitted, shall be of closely woven construction, easily cleanable and maintained clean and in good repair. Carpeting is prohibited in food preparation, food service and equipment washing areas and in toilet room areas where urinals or toilet fixtures are located.
- g. Walls and Ceilings - Walls and ceilings of areas in which food is processed, prepared or stored and all utensil washing areas shall have smooth, easily cleanable surfaces. Wall surfaces from the lower edge of kitchen exhaust hoods to the floor surface including the floor/wall junctures shall be finished with metal, ceramic tile or similar durable, easily cleanable materials.
- h. Ventilation
 - (1) All rooms in which food is stored, prepared, or served, or in which utensils are washed, or in which noxious odors, vapors or fumes are generated shall be properly ventilated to the exterior air.
 - (2) Approved venting hoods and devices shall be provided for stoves, grills, and similar equipment. Such hoods shall be adequate to prevent grease and condensate from collecting on walls and ceilings and from dripping into food or onto food-contact surfaces. Filters or other grease-extracting equipment not designed to be cleaned in place shall be readily removable for servicing.
- i. Lighting
 - (1) All areas of a food establishment shall be adequately lighted. At least 50 foot-candles at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor. At least 20 foot-candles at a surface where food is provided for consumer self service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption; inside equipment such as reach-in and under-counter refrigerators; at a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms. At least 10 foot candles at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning.
 - (2) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.
 - (3) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.
- j. Toilet Facilities
 - (1) Adequate and convenient toilet facilities, approved by the Department, shall be provided for employees. All toilet rooms shall have self-closing doors, smooth and easily cleanable walls and ceilings, adequate ventilation to the outside air, and shall

be posted with approved hand washing signs. Vestibules shall be provided when deemed necessary by the Department.

- (2) Separate and adequate toilet and lavatory facilities shall be provided for patrons of both sexes in all food service establishments serving alcoholic beverages for on-premises consumption.
- (3) The use of toilet rooms or vestibules for the storage of food, drink, or utensils is prohibited.

k. Lavatory Facilities

Adequate and convenient hand washing facilities shall be provided including, hot and cold running water, or tempered water, soap, and approved individual sanitary towels. Lavatories in addition to those provided in toilet rooms, shall be easily accessible to all employees. Mixing faucets are required in all new construction or when an existing lavatory is remodeled.

l. Water Supply

- (1) An adequate supply of pure and wholesome water under pressure and from an approved source shall be provided and used. Hot and cold running water shall be provided in all rooms or areas where food is processed or prepared, or where utensils are washed.
- (2) Where bottled or packaged water is also provided, it shall be from an approved source, handled in compliance with this Code and dispensed from the original container.
- (3) Steam used in contact with food or food-contact surfaces shall meet the standards for potable water.

m. Sewage Disposal

All sewage shall be handled and disposed of in a manner and by means which comply with the relevant provisions of this Environmental Health Code.

n. Insect and Vermin Control

Approved and effective methods of insect and vermin control shall be used at all times. To prevent the entrance of insects and vermin, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other approved means are provided to control insects and vermin.

o. Plumbing

- (1) All plumbing shall be sound, tight, durable and properly located, installed and maintained in good order and repair, and shall not constitute a source of contamination to food, equipment, or utensils, or create an insanitary condition or nuisance. No plumbing fixture, pipe or device which provides, or which may provide a connection between a potable water supply and a drainage, soil, waste or other sewer pipe so as to make possible the backflow of sewage or wastewater into the water supply system shall be installed or permitted to remain installed.

- (2) Drain lines from equipment shall not discharge wastewater in such a manner as to permit the flooding of floors or the flowing of water across working or walking areas, or in difficult to clean areas, or otherwise create an insanitary condition or nuisance.
- (3) Water which has been used for cooling, or for any other purpose shall not be reused except as approved by the Department.

p. Utensils and Equipment

- (1) Utensils and equipment, such as but not limited to vats, piping, counters, shelves, sinks, preparation tools, refrigerators, etc., shall be of approved materials and construction, easily cleanable and maintained in a sanitary condition. Equipment shall be certified or classified by an American National Standards Institute Accredited Certification Program, or deemed acceptable by the Department.
 - (a) The minimum number of sink compartments acceptable for manual washing, rinsing and sanitizing utensils and equipment shall be 3 compartment sinks excepting that where utensils are limited in type to tongs, scoops and similar articles, the Department may approve a single compartment sink.
- (2) Utensils, equipment, or tableware which are cadmium plated, or contain cadmium, lead or other toxic material are prohibited unless in low enough levels that they may be approved.
- (3) All multi-use tableware shall be properly cleaned and sanitized before being dispensed for use and shall be stored, handled, set out and dispensed in a sanitary manner. Single-service articles shall be used only once.
- (4) Where wood is used for cutting blocks, cutting boards, salad bowls, bakers' tables and similar surfaces, it shall be a hard nonabsorbent variety. Wood may be used for single-service articles such as chopsticks, stirrers or ice cream spoons.
- (5) All materials used in utensils, equipment, tableware and other food-contact surfaces shall be nontoxic, corrosion resistant, not deleterious to the wholesomeness of the food contacted and resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, pitting and distortion and of sufficient weight, thickness and design to permit cleaning and sanitizing by normal washing methods.
- (6) Mollusk and crustacean shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.
- (7) Equipment and food-contact surfaces which are nontoxic, installed prior to the effective date of these regulations, which do not fully meet design and fabrication requirements shall be deemed acceptable provided they are maintained in good repair and in a sanitary condition.

q. Cleaning and Bactericidal Treatment of Utensils and Equipment:

- (1) All utensils and equipment used in the processing, preparing, or serving of food, or used as containers for food, or used in processing food (grinders, mixers, etc.) shall be thoroughly cleaned and effectively subjected to an approved bactericidal process

after each usage, or at least at the close of each business day, and stored and kept in a sanitary condition until reuse.

- (2) Utility Sink--Every new or extensively remodeled establishment shall have at least one utility sink or a 4-inch curbed facility three feet square with a floor drain for cleaning mops or similar wet floor cleaning tools and for the disposal of mop water or other liquid wastes. The use of lavatories, utensil washing or equipment washing or food preparation sinks for this purpose is prohibited.
- (3) Cloths used for wiping any food-contact surfaces shall be clean, sanitized and used for no other purpose. Cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining tabletops and shelves shall be clean.

r. Manual Cleaning and Sanitizing

- (1) Sink compartments shall be large enough to permit the accommodation of equipment parts and utensils used in the establishment, and each compartment of the sink shall be supplied with hot and cold potable running water.
- (2) Drain boards or easily movable dish tables of adequate size shall be provided and located for proper handling of soiled and cleaned utensils.
- (3) Manual washing, rinsing and sanitizing in three compartment systems shall be conducted in the following sequence:
 - (a) Sinks shall be cleaned prior to use.
 - (b) Food residues shall be flushed, scraped or soaked from equipment and utensils.
 - (c) Equipment and utensils shall be thoroughly washed in the first compartment with a hot, clean detergent solution;
 - (d) Rinsed free of detergent and abrasives with clean water in the second compartment;
 - (e) Sanitized in the third compartment by:
 - (1.1) Immersion for at least one-half (1/2) minute in clean, hot water at a continuing temperature of at least 170°F. (77°C.); or
 - (1.2) Immersion for at least one (1) minute in a clean solution continuously containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F. (24°C.); or
 - (1.3) Immersion for at least one (1) minute in a clean solution continuously containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F. (24°C.); or
 - (1.4) Immersion for at least one (1) minute in a clean solution continuously containing at least 200 parts per million of available quaternary ammonia and at a temperature of at least 75°F. (24°C.); or

(1.5) By any other approved means specified in 21CFR178.1010.

- (4) When hot water is used for sanitizing, the following facilities shall be provided and used:
 - (a) An integral heating device or fixture installed at the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170°F. (77°C.); and
 - (b) A numerically scaled indicating thermometer, accurate to $\pm 2^\circ\text{F}$. (1°C .) located at the sink for checking water temperature; and
 - (c) Baskets of a size and design permitting complete immersion of the tableware, kitchen-ware, and equipment in the hot water.
- (5) Where chemicals are used for sanitization, the operator shall use a test kit or other device to measure the concentration of sanitizer applied.

s. Mechanical Cleaning and Sanitizing

- (1) Spray-type, immersion or other types of dishwashing machines which thoroughly clean and sanitize equipment and utensils may be used. Such machines and devices shall be properly installed, operated and maintained in good repair. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed, maintained, and used.
- (2) Final rinse water pressure in spray-type dishwashing machines shall be from 15 to 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 1/4-inch IPS fitting shall be located immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.
- (3) A machine or water pipe-mounted numerically scaled indicating thermometer, accurate to $\pm 2^\circ\text{F}$. (1°C .), shall be provided to indicate the water temperature in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- (4) Rinse water tanks shall be protected using baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.
- (5) Drain boards shall be provided and be adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.
- (6) Gross food residues shall be flushed, scraped or soaked from equipment and utensils prior to washing in a dishwashing machine. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, so that food-contact surfaces are exposed to

the unobstructed application of detergent wash and clean rinse waters, and free draining is permitted.

- (7) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used: provided that,
- (a) The temperature of the wash water shall not be less than 120°F. (49°C.).
 - (b) The wash water shall be kept clean.
 - (c) Chemicals added for sanitization purposes are automatically dispensed.
 - (d) Utensils and equipment are effectively exposed to the final chemical sanitizing rinse.
 - (e) The continuous chemical sanitizing rinse water temperature shall not be less than 75°F. (24°C.).
 - (f) The operator shall use a test kit which accurately measures the concentration of the solution applied.
- (8) In machines using hot water for sanitizing, the wash water and pumped rinse water shall be kept clean and be maintained at not less than the temperatures tabulated below. In all machines using hot water for sanitizing, the wash water must be at least 140°F. The final rinse surface temperature must be at least 170°F. Surface temperature shall be measured using an accurate holding thermometer or other approved methods.
- (a) Single-tank, stationary-rack, dual-temperature machine:

Wash temperature	150°F. (66°C.)
Final rinse temperature	180°F. (82°C.)
 - (b) Single-tank, stationary-rack, single-temperature machine:

Wash temperature	165°F. (74°C.)
Final rinse temperature	165°F. (74°C.)
 - (c) Single-tank, conveyor machine:

Wash temperature	160°F. (71°C.)
Final rinse temperature	180°F. (82°C.)
 - (d) Multi-tank, conveyor machine:

Wash temperature	150°F. (66°C.)
Pumped rinse temperature	160°F. (71°C.)
Final rinse temperature	180°F. (82°C.)
 - (e) Single-tank, pot, pan and utensil washer (either stationary or moving rack):

Wash temperature	140°F. (60°C.)
Final rinse temperature	180°F. (82°C.)
- (9) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary, and maintained free of any condition which interferes with their effective operation.

t. Drying

After sanitization, all equipment and utensils shall be air or heat dried.

u. Storage and Handling of Utensils and Equipment

- (1) Clean utensils and equipment shall be properly stored in a clean dry place protected from insects and vermin, dust or other contamination.
- (2) Containers and packaging materials shall be purchased in clean containers, stored in a clean dry area, and in such a manner as to preclude contamination.

v. Storage and Display of Food

- (1) All food and drink shall be protected from dust, insects, vermin, depredation and pollution by rodents, handling, droplet infection, overhead leakage, and other contamination.
- (2) Raw or prepared food removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of use in preparation or service. Container covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers.
- (3) Containers of food shall be stored in a minimum of 6 inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:
 - (a) Metal pressurized beverage containers, and cased food packaged in cans, glass or other durable waterproof containers need not be elevated when the food container is not exposed to floor moisture; and
 - (b) Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.
- (4) Refrigerated storage -- enough properly refrigerated or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each such mechanically refrigerated facility shall be provided with a numerically scaled indicating thermometer, accurate to +3°F. (1.5°C.), located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to +3°F. (1.5°C.), may be used in lieu of indicating thermometers.
- (5) Hot storage -- enough properly heated food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each such hot food facility shall have a numerically scaled indicating thermometer, accurate to +3°F. (1.5°C.), located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to +3°F. (1.5°C.), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.
- (6) No hermetically sealed, no acid and low acid food which has been processed in place other than a commercial food processing establishment shall be used.

w. Personal Health and Cleanliness

- (1) The person in charge shall:

- (a) Exclude a food employee from a food establishment if the food employee is diagnosed with an illness due to:
 - (1.1) *Salmonella typhi*
 - (1.2) *Shigella spp.*
 - (1.3) *Escherichia coli* O157:H7, or
 - (1.4) Hepatitis A virus;
- (b) Except as specified under (c) or (d) of this section, restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in a food establishment if the food employee is:
 - (1.1) Suffering from a symptom caused by illness, infection, or other source that is:
 - (i) Associated with an acute gastrointestinal illness such as:
 - (a.1) Diarrhea,
 - (a.2) Fever,
 - (a.3) Vomiting,
 - (a.4) Jaundice, or
 - (a.5) Sore throat with fever, or
 - (ii) A lesion containing pus such as a boil or infected wound that is open or draining and is:
 - (a.1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,
 - (a.2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
 - (a.3) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
 - (1.2) Not experiencing a symptom of acute gastroenteritis specified under Regulation 8(w)(1)(b)(1.1)(i) but has a stool that yields a specimen culture that is positive for *Salmonella typhi*, *Shigella spp.*, or *Escherichia coli* O157:H7;
- (c) If the population served is a highly susceptible population, exclude a food employee who:
 - (1.1) Is experiencing a symptom of acute gastrointestinal illness specified under Regulation 8(w)(1)(b)(1.1)(i) and meets a high-risk condition specified below:
 - (i) Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *S. typhi*, *Shigella spp.*, *E. coli* O157:H7, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the food employee or applicant:
 - (a.1) Prepared food implicated in the outbreak,
 - (a.2) Consumed food implicated in the outbreak, or
 - (a.3) Consumed food at the event prepared by a person who is ill or infected with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent,

- (ii) Lives in the same household as a person who is diagnosed with a disease caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus, or
 - (iii) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus.
- (1.2) Is not experiencing a symptom of acute gastroenteritis specified under Regulation 8(w)(1)(b)(1.1)(i) but has a stool that yields a specimen culture that is positive for *S. typhi*, *Shigella* spp., or *E. coli* O157:H7,
- (1.3) Had a past illness from *S. typhi* within the last 3 months, or
- (1.4) Had a past illness from *Shigella* spp. Or *E. coli* O157:H7 within the last month; and
- (d) For a food employee who is jaundiced:
 - (1.1) If the onset of jaundice occurred within the last 7 calendar days, exclude the food employee from the food establishment, or
 - (1.2) If the onset of jaundice occurred more than 7 calendar days before:
 - (i) Exclude the food employee from a food establishment that serves a highly susceptible population, or
 - (ii) Restrict the food employee from activities specified under Regulation 8(w)(1)(b), if the food establishment does not serve a highly susceptible population.
- (2) The person in charge may remove an exclusion according to the following conditions.
 - (a) The person in charge may remove an exclusion specified under Regulation 8(w)(1)(a) if:
 - (1.1) The person in charge obtains approval from the Department; and
 - (1.2) The person excluded as specified under Regulation 8(w)(1)(a) provides to the person in charge written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the excluded person may work in an unrestricted capacity in a food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in Regulation 8(2)(e).
 - (b) The person in charge may remove a restriction specified under:
 - (1.1) Regulation 8(w)(1)(b)(1.1) if the restricted person:
 - (i) Is free of the symptoms specified under Regulation 8(w)(1)(b)(1.1) and no foodborne illness occurs that may have been caused by the restricted person,
 - (ii) Is suspected of causing foodborne illness but:
 - (a.1) Is free of the symptoms specified under Regulation 8(w)(1)(b)(1.1), and
 - (a.2) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the restricted person is free of the

- infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in Regulation 8(2)(e), or
- (iii) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or
- (1.2) Regulation 8(1)(b)(1.2) if the restricted person provides written medical documentation from a physician, licensed to practice medicine, or, if allowed by law, a nurse practitioner or physician assistant, according to the criteria specified in Regulation 8(2)(e) that indicates the stools are free of *Salmonella typhi*, *Shigella* spp., or *E. coli* O157:H7, whichever is the infectious agent of concern.
- (c) The person in charge may remove an exclusion specified under Regulation 8(w)(1)(c) if the excluded person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant:
 - (1.1) That specifies that the person is free of:
 - (i) The infectious agent of concern as specified in Regulation 8(w)(2)(e), or
 - (ii) Jaundice as specified under Regulation 8(w)(2)(d) if hepatitis A virus is the infectious agent of concern; or (2) if the person is excluded under Regulation 8(w)(1)(c)(1.1), stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.
- (d) The person in charge may remove an exclusion specified under Regulation 8(w)(1)(d)(1.1) and Regulation 8(w)(1)(d)(1.2)(i) and a restriction specified under Regulation 8(w)(1)(d)(1.2)(ii) if:
 - (1.1) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the person is free of hepatitis A virus as specified in Regulation 8(w)(2)(e)(1.4)(i); or
 - (1.2) The excluded or restricted person is suspected of causing foodborne illness and complies with the requirements in Regulation 8(w)(2)(e)(1.4).
- (e) The Department shall release a food employee from restriction or exclusion according to law and the following conditions:
 - (1.1) A food employee who was infected with *Salmonella typhi* if the food employee's stools are negative for *S. typhi* based on testing of at least 3 consecutive stool specimen cultures that are taken:
 - (i) Not earlier than 1 month after onset,
 - (ii) At least 48 hours after discontinuance of antibiotics, and
 - (iii) At least 24 hours apart; and

- (1.2) If one of the cultures taken as specified in Regulation 8(w)(2)(e)(1.1) of this section is positive, repeat cultures are taken at intervals of 1 month until at least 3 consecutive negative stool specimen cultures are obtained.
 - (1.3) A food employee who was infected with *Shigella* spp. or *Escherichia coli* O157:H7 if the employee's stools are negative for *Shigella* spp. or *E. coli* O157:H7 based on testing of 2 consecutive stool specimen cultures that are taken:
 - (i) Not earlier than 48 hours after discontinuance of antibiotics; and
 - (ii) At least 24 hours apart.
 - (1.4) A food employee who was infected with hepatitis A virus if:
 - (i) Symptoms cease; or
 - (ii) At least 2 blood tests show falling liver enzymes.
- (3) Responsibility of a food employee or an applicant to report to the person in charge.
 - (a) A food employee or a person who applies for a job as a food employee shall:
 - (1.1) In a manner specified under Chapter VIII, Section 2, 2-201.11, report to the person in charge the information specified under Chapter VIII, Section 2, 2-201.11(a)-(d); and
 - (1.2) Comply with exclusions and restrictions that are specified under Chapter VIII, Section 2, 2-201.12(a)-(d).
- (4) The person in charge shall notify the Department that a food employee is diagnosed with an illness due to *Salmonella typhi*, *Shigella* spp., *Escherichia coli* O157:H7, or hepatitis A virus.
- (5) All food handlers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to approved hygienic practices while engaging in handling, processing, preparing or serving food.
- (6) Food handlers, while engaged in preparing or handling food, shall not use tobacco in any form.
- (7) Food handlers shall use hair restraints, which prevent any possibility of hair entering into food or contaminating food contact surfaces.
- (8) Food handlers shall wash their hands and the exposed portions of their arms thoroughly with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean and trimmed.

x. Poisonous and Toxic Materials

- (1) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be clearly identified, and shall be used in such manner and under such conditions as will not contaminate food, constitute a hazard or be deleterious to the health of employees or customers.

Automatic devices for pest and vermin control may be used only if approved by the Department.

- (2) Personal medications shall not be stored in food storage, preparation or service areas.
 - (3) No article, polish, or other substance containing a poisonous material shall be used for the cleaning or polishing of utensils.
 - (4) Equipment using toxic lubricants shall be designed, constructed and operated so that the lubricant cannot and does not leak, drip or be forced into food or onto food-contact surfaces.
- y. Refuse--All refuse shall be stored and disposed of in accordance with the provisions of this code governing the storage, collection transportation, and disposal of refuse and other objectionable wastes.
- z. Vehicles Transporting Food -- All vehicles carrying food and food products shall be constructed, equipped, and maintained as to protect the purity and wholesomeness of the transported products and shall conform to the applicable general regulations found in this code.
- aa. Miscellaneous:
- (1) Cleaning -- Cleaning of floors, walls and equipment shall be performed by means that minimize airborne dust and under conditions when the quantity of exposed food is minimized.
 - (2) Cleaning and maintenance equipment such as brooms, mops, vacuum cleaners shall be stored in such manner as to prevent contamination of food.
 - (3) Only persons necessary in the preparation and processing of food, or in the management, maintenance or housekeeping of the establishment shall be allowed in food processing and serving areas.
 - (4) None of the operations connected with a food establishment shall be conducted in any room used for domestic purposes.

REGULATION 9. Animals and Birds Prohibited

Live animals or birds are prohibited in any area in a food establishment where food is stored, processed, offered for sale or served; except that service animals accompanying a disabled person, or patrol dogs accompanying police or security officers may be allowed in the sales or serving area.

REGULATION 10.

No person shall sell, offer for sale, or give away any food, which is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to health. The use of food from hermetically sealed containers which was not processed in an approved food processing establishment is prohibited.

REGULATION 11. Compliance

Representatives of the Department shall make such inspections of food establishments as necessary to assure compliance with these regulations. A copy of the report of the inspection shall be furnished the owner, or operator, of the food establishment indicating the degree of compliance or noncompliance with the provisions of these regulations. Failure to correct any violation noted within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

R 4-3-02

MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,

FOOD HANDLING ESTABLISHMENTS

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Sanitation

Every food establishment shall be operated in and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter I, General Provisions of the Maricopa County Environmental Health Code, and with Chapter VIII, Section 1, the general provisions of this Chapter.

Subsection 1 Purpose

1-101.10 Food Code.

These provisions shall be known as the Food Code, hereinafter referred to as this Code.

1-10-1.11. Applicability

This Article does not apply to the following:

1. Beneficial use of wildlife meat authorized in A.R.S. § 17-240 and A.A.C. Title 12, Chapter 4, Article 1;
2. Milk and milk products, which shall comply with A.R.S. Title 3, Chapter 4 and A.A.C. Title 3, Chapter 2, Article 8;
3. Group homes, as defined in A.R.S. Title 36, Chapter 5.1, Article 1;
4. Child care group homes, as defined in A.R.S. Title 36, Chapter 7.1, Article 4;
5. Residential group care facilities, as defined in A.A.C. Title 6, Chapter 5, Article 74, that have 20 or fewer clients;
6. Assisted living homes, as defined in A.A.C. Title 9, Chapter 10, Article 7;
7. Adult day health care services, as defined in A.A.C. Title 9, Chapter 10, Article 7, that have 15 or fewer clients; and
8. Behavioral health service agencies licensed under A.A.C. Title 9, Chapter 20, that provide residential or partial care services for 10 or fewer clients.

Subsection 2 Management and Personnel

2-101.11 Assignment.

The permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation.

2-102.11 Demonstration.

Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the Department knowledge of foodborne disease prevention, application of the hazard analysis critical control point principles, and the requirements of this Code. The person in charge shall demonstrate this knowledge by compliance with this Code, by being a Certified Food Protection Manager who has shown proficiency of required information through passing a test that is part of an accredited program, or by responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:

- (A) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
- (B) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
- (C) Describing the symptoms associated with the diseases that are transmissible through food;
- (D) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness;
- (E) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.
- (F) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish.
- (G) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;
- (H) Describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - (1) Cross contamination,
 - (2) Hand contact with ready-to-eat foods,
 - (3) Handwashing, and
 - (4) Maintaining the food establishment in a clean condition and in good repair;
- (I) Explaining the relationship between food safety and providing equipment that is:
 - (1) Sufficient in number and capacity, and
 - (2) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (J) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment ;
- (K) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (L) Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
- (M) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code;
- (N) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this Code, or an agreement between the Department and the establishment; and
- (O) Explaining the responsibilities, rights, and authorities assigned by this Code to the:
 - (1) Food Employee,

- (2) Person in charge, and
- (3) Department.

2-103.11 Person in Charge.

The person in charge shall ensure that:

- (A) Food Establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under § 6-202.111;
- (B) Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;
- (C) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Code;
- (D) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- (E) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- (F) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under § 4-203.11 and ¶ 4-502.11(B);
- (G) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within 4 hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- (H) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under § 3-603.11 that the food is not cooked sufficiently to ensure its safety;
- (I) Employees are properly sanitizing cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
- (J) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under § 3-304.16;
- (K) Employees are preventing cross-contamination of ready-to eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment; and
- (L) Employees are properly trained in food safety as it relates to their assigned duties.

2-201.11 Responsibility of the Person in Charge to Require Reporting by Food Employees and Applicants.*

The permit holder shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person in charge to

prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under ¶ (C) of this section, if the food employee or applicant:

- (A) Is diagnosed with an illness due to:
 - (1) *Salmonella typhi*,
 - (2) *Shigella* spp.,
 - (3) *Escherichia coli* O157:H7, or
 - (4) Hepatitis A virus;
- (B) Has a symptom caused by illness, infection, or other source that is:
 - (1) Associated with an acute gastrointestinal illness such as:
 - (a) Diarrhea,
 - (b) Fever,
 - (c) Vomiting,
 - (d) Jaundice, or
 - (e) Sore throat with fever, or
 - (2) A lesion containing pus such as a boil or infected wound that is open or draining and is:
 - (a) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,
 - (b) on exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
 - (c) on other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
- (C) Had a past illness from an infectious agent specified under ¶ (A) of this section; or
- (D) meets one or more of the following high-risk conditions:
 - (1) Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the food employee or applicant:
 - (a) Prepared food implicated in the outbreak,
 - (b) Consumed food implicated in the outbreak, or consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent,
 - (2) Lives in the same household as a person who is diagnosed with a disease caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus, or
 - (3) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus.

2-301.11 Clean Condition.*

Food employees shall keep their hands and exposed portions of their arms clean.

2-301.12 Cleaning Procedure.*

- (A) Except as specified in ¶ (B) of this section, food employees shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under ¶ 5-202.12 by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water.

Employees shall pay particular attention to the areas underneath the fingernails and between the fingers.

- (B) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands.

2-301.13 Special Handwash Procedures.*

Reserved.

2-301.14 When to Wash.*

Food employees shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (B) After using the toilet room;
- (C) After caring for or handling service animals or aquatic animals as specified in ¶ 2-403.11(B);
- (D) Except as specified in ¶ 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- (E) After handling soiled equipment or utensils;
- (F) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- (G) When switching between working with raw food and working with ready-to-eat food; and
- (H) After engaging in other activities that contaminate the hands.

2-301.15 Where to Wash.

Food employees shall clean their hands in a handwashing lavatory or approved automatic handwashing facility and may not clean their hands in a sink used for food preparation, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

2-301.16 Hand Sanitizers.

- (A) A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall:
 - (1) Comply with one of the following:
 - (a) Be an approved drug that is listed in the FDA Publication Approved Drug Products With Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness; or
 - (b) Have active antimicrobial ingredients that are listed in:
 - (i) The FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash, or
 - (ii) The USDA List of Proprietary Substances and Nonfood Compounds, Miscellaneous Publication No. 1419; and
 - (2) Comply with one of the following:
 - (a) Have components that are exempted from the requirement of being listed in Federal Food Additive Regulations as specified in 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles; or
 - (b) Comply with and be listed in:

- (i) 21CFR178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a food additive with conditions of safe use, or
 - (ii) 21CFR182 - Substances Generally Recognized as Safe, 21CFR184 - Direct Food Substances Affirmed as Generally Recognized as Safe, or 21CFR186 - Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food; and
- (3) Be applied only to hands that are cleaned as specified under § 2-301.12.
- (B) If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under Subparagraph (A)(2) of this section, use shall be:
 - (1) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
 - (2) Limited to situations that involve no direct contact with food by the bare hands.
- (C) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/l chlorine.

2-302.11 Maintenance.

- (A) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (B) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

2-303.11 Prohibition.

While preparing food, food employees may not wear jewelry on their arms and hands. This section does not apply to a plain ring such as a wedding band.

2-304.11 Clean Condition.

Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

2-401.11 Eating, Drinking, or Using Tobacco.*

- (A) Except as specified in ¶ (B) of this section, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can not result.
- (B) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:
 - (1) The employee's hands;
 - (2) The container; and
 - (3) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

2-401.12 Discharges from the Eyes, Nose, and Mouth.*

Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

2-402.11 Effectiveness.

- (A) Except as provided in ¶ (B) of this section, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (B) This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

2-403.11 Handling Prohibition.*

- (A) Except as specified in ¶ (B) of this section, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in Subparagraphs 6-501.115(B)(2)-(5).
- (B) Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under § 2-301.12 and ¶ 2-301.14(C).

Subsection 3 Food

3-101.11 Safe, Unadulterated, and Honestly Presented.*

Food shall be safe, unadulterated, and, as specified under § 3-601.12, honestly presented.

3-201.11 Compliance with Food Law.*

- (A) Food shall be obtained from sources that comply with law.
- (B) Food prepared in a private home may not be used or offered for human consumption in a food establishment.
- (C) Packaged food shall be labeled as specified in law, including 21CFR101 Food Labeling, 9CFR317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under §§ 3-202.17 and 3-202.18.
- (D) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in Subparagraph 3-401.11(C)(1) may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified under § 3-402.11; or frozen on the premises as specified under § 3-402.11 and records are retained as specified under § 3-402.12.
- (E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in ¶ 3-401.11(C) shall be:
 - (1) Obtained from a food processing plant that packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef; or
 - (2) If individually cut in a food establishment:
 - (a) Cut from whole-muscle intact beef that is labeled by a food processing plant to indicate that the beef meets the definition of whole-muscle, intact beef,
 - (b) Prepared so they remain intact, and
 - (c) If packaged for undercooking in a food establishment, labeled to indicate that they meet the definition of whole-muscle, intact beef.
- (F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in law, including 9CFR317.2(l) and 9CFR381.125(b).

3-201.12 Food in a Hermetically Sealed Container.*

Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

3-201.14 Fish.*

- (A) Fish that are received for sale or service shall be:
 - (1) Commercially and legally caught or harvested; or
 - (2) Approved for sale or service.
- (B) Molluscan shellfish that are recreationally caught may not be received for sale or service.

3-201.15 Molluscan Shellfish.*

- (A) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.
- (B) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

3-201.16 Wild Mushrooms.*

- (A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.
- (B) This section does not apply to:
 - (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or
 - (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

3-201.17 Game Animals.*

- (A) If game animals are received for sale or service they shall be:
 - (1) Commercially raised for food and:
 - (a) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or
 - (b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction, and
 - (c) Raised, slaughtered, and processed according to:
 - (i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
 - (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee;
 - (2) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that

- are "inspected and approved" in accordance with 9CFR352 Voluntary Exotic Animal Program or rabbits that are "inspected and certified" in accordance with 9CFR354 Rabbit Inspection Program;
- (3) As allowed by law, for wild game animals that are live caught:
 - (a) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction, and
 - (b) Slaughtered and processed according to:
 - (i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
 - (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee; or
 - (4) As allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:
 - (a) Receive a postmortem examination by an approved veterinarian or veterinarian's designee, or
 - (b) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
 - (c) Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
 - (B) A game animal may not be received for sale or service if it is a species of wildlife that is listed in 50CFR17 Endangered and Threatened Wildlife and Plants.

3-202.11 Temperature.*

- (A) Except as specified in ¶ (B) of this section, refrigerated, potentially hazardous food shall be at a temperature of 5°C (41°F) or below when received.
- (B) If a temperature other than 5°C (41°F) for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk, molluscan shellfish, and shell eggs, the food may be received at the specified temperature.
- (C) Potentially hazardous food that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.13 and received hot shall be at a temperature of 54°C. (130°F.) or above.
- (D) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.
- (E) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

3-202.12 Additives.*

Food may not contain unapproved food additives or additives that exceed amounts specified in 21CFR170-180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21CFR181-186, substances that exceed amounts specified in 9CFR318.7 Approval of substances for use in the preparation of products, or pesticide residues that exceed provisions specified in 40CFR185 Tolerances for Pesticides in Food.

3-202.13 Shell Eggs.*

Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. consumer Grade B as specified in 7CFR Part 56 - Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs, and 7CFR Part 59 - Regulations Governing the Inspection of Eggs and Egg Products.

3-202.14 Eggs and Milk Products, Pasteurized.*

(A) Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.

3-202.15 Package Integrity.*

Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

3-202.16 Ice.*

Ice for use as a food or a cooling medium shall be made from drinking water.

3-202.17 Shucked Shellfish, Packaging and Identification.

- (A) Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the:
- (1) Name, address, and certification number of the shuckerpacker or repacker of the molluscan shellfish; and
 - (2) The "sell by" date for packages with a capacity of less than 1.87 L (one-half gallon) or the date shucked for packages with a capacity of 1.87 L (one-half gallon) or more.

3-202.18 Shellstock Identification.*

- (A) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list:
- (1) Except as specified under ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:
 - (a) The harvester's identification number that is assigned by the shellfish control authority,
 - (b) The date of harvesting,
 - (c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested,
 - (d) The type and quantity of shellfish, and
 - (e) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;" and
 - (2) Except as specified in ¶ (D) of this section, on each dealer's tag or label, the following information in the following order:
 - (a) The dealer's name and address, and the certification number assigned by the shellfish control authority,

- (b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested,
 - (c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, and
 - (d) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days."
- (B) If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first.
- (C) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual dealer tags or labels need not be provided.

3-202.19 Shellstock, Condition.

When received by a food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

3-203.11 Molluscan Shellfish, Original Container.

- (A) Except as specified in ¶¶ (B) and (C) of this section, molluscan shellfish may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a food processing plant licensed by the Department.
- (B) Shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:
 - (1) The source of the shellstock on display is identified as specified under § 3-202.18 and recorded as specified under § 3-203.12; and
 - (2) The shellstock are protected from contamination.
- (C) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:
 - (1) The labeling information for the shellfish on display as specified under § 3-202.17 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
 - (2) The shellfish are protected from contamination.

3-203.12 Shellstock, Maintaining Identification.*

- (A) Except as specified under Subparagraph (B)(2) of this section, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.
- (B) The identity of the source of shellstock that are prepared by a food processing plant licensed by the Department, sold or served shall be maintained by retaining shellstock tags or labels for 90 calendar days from the date the container is emptied by:
 - (1) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are prepared by a food processing plant licensed by the Department, sold, or served; and
 - (2) If shellstock are removed from their tagged or labeled container:

- (a) Using only 1 tagged or labeled container at a time, or
- (b) Using more than 1 tagged or labeled container at a time and obtaining a variance from the Department as specified in § 8-103.10 based on a HACCP plan that:
 - (i) Is submitted by the permit holder and approved as specified under § 8-103.11,
 - (ii) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and
 - (iii) Ensures that shellstock from one tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer or prepared by a food processing plant licensed by the Department.

3-301.11 Preventing Contamination from Hands.*

- (A) Food employees shall wash their hands as specified under § 2-301.12.
- (B) Except when washing fruits and vegetables as specified under § 3-302.15 or when otherwise approved, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, non-latex single-use gloves, or dispensing equipment.
- (C) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

3-301.12 Preventing Contamination when Tasting.*

A food employee may not use a utensil more than once to taste food that is to be sold or served.

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.*

- (A) Food shall be protected from cross contamination by:
 - (1) Separating raw animal foods during storage, preparation, holding, and display from:
 - (a) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as vegetables, and
 - (b) Cooked ready-to-eat food;
 - (2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
 - (a) Using separate equipment for each type, or
 - (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and
 - (c) Preparing each type of food at different times or in separate areas;
 - (3) Cleaning equipment and utensils as specified under ¶ 4-602.11(A) and sanitizing as specified under § 4-703.11;
 - (4) Except as specified in ¶ (B) of this section, storing the food in packages, covered containers, or wrappings;
 - (5) Cleaning hermetically sealed containers of food of visible soil before opening;
 - (6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

- (7) Storing damaged, spoiled, or recalled food being held in the food establishment as specified under § 6-404.11; and
 - (8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from ready-to-eat food.
- (B) Subparagraph (A)(4) of this section does not apply to:
- (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;
 - (2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
 - (3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;
 - (4) Food being cooled as specified under Subparagraph 3-501.15(B)(2); or
 - (5) Shellstock.

3-302.12 Food Storage Containers, Identified with Common Name of Food.

Working containers holding food or food ingredients that are removed from their original packages for use in the food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food except that containers holding food that can be readily and unmistakably recognized such as dry pasta need not be identified.

3-302.13 Pasteurized Eggs, Substitute for Raw Shell Eggs for Certain Recipes.*

Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream, and egg-fortified beverages that are not:

- (A) Cooked as specified under Subparagraphs 3-401.11(A)(1) or (2); or
- (B) Included in Subparagraph 3-401.11(D).

3-302.14 Protection from Unapproved Additives.*

- (A) Food shall be protected from contamination that may result from the addition of, as specified in § 3-202.12:
 - (1) Unsafe or unapproved food or color additives; and
 - (2) Unsafe or unapproved levels of approved food and color additives.
- (B) A food employee may not:
 - (1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
 - (2) Serve or sell food specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the food establishment, except that grapes need not meet this subparagraph.

3-302.15 Washing Fruits and Vegetables.

- (A) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form except as specified in ¶ (B) of this section and except that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.
- (B) Fruits and vegetables may be washed by using chemicals as specified under § 7-204.12.

3-303.11 Ice Used as Exterior Coolant, Prohibited as Ingredient.

After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.

3-303.12 Storage or Display of food in Contact with Water or Ice.

- (A) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
- (B) Except as specified in ¶¶ (C) and (D) of this section, unpackaged food may not be stored in direct contact with undrained ice.
- (C) Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.
- (D) Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

3-304.11 Food Contact with Equipment and Utensils.*

Food shall only contact surfaces of equipment and utensils that are cleaned as specified under Part 4-6 of this Code and sanitized as specified under Part 4-7 of this Code.

3-304.12 In-Use Utensils, Between-Use Storage.

During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

- (A) Except as specified under ¶ (B) of this section, in the food with their handles above the top of the food and the container;
- (B) In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
- (C) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under §§ 4-602.11 and 4-702.11;
- (D) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;
- (E) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous; or
- (F) In a container of water if the water is maintained at a temperature of at least 54°C. (130°F.) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).

3-304.13 Linens and Napkins, Use Limitation.

Linens and napkins may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

3-304.14 Wiping Cloths, Use Limitation.

- (A) Cloths that are in use for wiping food spills shall be used for no other purpose.
- (B) Cloths used for wiping food spills shall be:
 - (1) Dry and used for wiping food spills from tableware and carry-out containers; or

- (2) Wet and cleaned as specified under ¶ 4-802.11(D), stored in a chemical sanitizer at a concentration specified in § 4-501.114, and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.
- (C) Dry or wet cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal foods shall be kept in a separate sanitizing solution.
- (D) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

3-304.15 Gloves, Use Limitation.

- (A) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (B) Except as specified in ¶ (C) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under Part 3-4 such as frozen food or a primal cut of meat.
- (C) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.
- (D) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under Part 3-4 such as frozen food or a primal cut of meat.
- (E) Latex gloves may not be used in direct contact with food.

3-304.16 Using Clean Tableware for Second Portions and Refills.

- (A) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.
- (B) Except as specified in ¶ (C) of this section, self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- (C) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under ¶¶ 4-204.13(A), (B), and (D).

3-304.17 Refilling Returnables.

- (A) A take-home food container returned to a food establishment may not be refilled at a food establishment with a potentially hazardous food.
- (B) Except as specified in ¶ (C), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under ¶ 4-603.17(B).
- (C) Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under ¶¶ 4-204.13(A), (B), and (D).

3-305.11 Food Storage.

- (A) Except as specified in ¶¶ (B) and (C) of this section, food shall be protected from contamination by storing the food:
 - (1) In a clean, dry location;

- (2) Where it is not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.
- (B) Food in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling equipment as specified under § 4-204.122.
- (C) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

3-305.12 Food Storage, Prohibited Areas.

Food may not be stored:

- (A) In locker rooms;
- (B) In toilet rooms;
- (C) In dressing rooms;
- (D) In garbage rooms;
- (E) In mechanical rooms;
- (F) Under sewer lines that are not shielded to intercept potential drips;
- (G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (H) Under open stairwells; or
- (I) Under other sources of contamination.

3-305.13 Vended Potentially Hazardous Food, Original Container.

Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the food establishment or food processing plant at which it was prepared.

3-305.14 Food Preparation.

During preparation, unpackaged food shall be protected from environmental sources of contamination.

3-306.11 Food Display.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means.

3-306.12 Condiments, Protection.

- (A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.
- (B) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food establishment that provides food to the vending machine location, a food processing plant that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.

3-306.13 Consumer Self-Service Operations.*

- (A) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; ready-to-cook individual portions for immediate cooking and consumption on

- the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or raw, frozen, shell-on shrimp or lobster.
- (B) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
 - (C) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

3-306.14 Returned Food and Reservice of Food.*

- (A) Except as specified in ¶ (B) of this section, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.
- (B) Except as specified under ¶ 3-801.11(C), a container of food that is not potentially hazardous may be transferred from one consumer to another if:
 - (1) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
 - (2) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

3-307.11 Miscellaneous Sources of Contamination.

Food shall be protected from contamination that may result from a factor or source not specified under Subparts 3-301 - 3-306.

3-401.11 Raw Animal Foods.*

- (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:
 - (1) 63°C. (145°F.) or above for 15 seconds for:
 - (a) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and
 - (b) Except as specified under Subparagraphs (A)(2) and (3) and ¶ (B) of this section, fish, meat, and pork including game animals commercially raised for food as specified under Subparagraph 3-201.17(A)(1) and game animals under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2);
 - (2) 68°C. (155°F.) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under Subparagraph 3-201.17(A)(1), and game animals under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw eggs that are not prepared as specified under Subparagraph (A)(1)(a) of this section:

Minimum	
Temperature °C (°F)	Time
63 (145)	3 minutes
66 (150)	1 minute
70 (158)	< 1 second (instantaneous)

;or

- (3) 74°C. (165°F.) or above for 15 seconds for poultry, wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites.
- (B) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts such as ham, shall be cooked:
 - (1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity ¹	121°C (250°F) or less	121°C (250°F) or less
¹ Relative humidity greater than 90% for 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

;and

- (2) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

Temperature °C (°F)	Time in Minutes ¹	Temperature °C (°F)	Time in Minutes ¹	Temperature °C (°F)	Time in Minutes ¹
54 (130)	121	58 (136)	32	61 (142)	8
56 (132)	77	59 (138)	19	62 (144)	5
57 (134)	47	60 (140)	12	63 (145)	3
¹ Holding time may include post oven heat rise.					

- (C) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:
 - (1) The food establishment serves a population that is not a highly susceptible population.
 - (2) The steak is labeled to indicate that it meets the definition of “whole-muscle, intact beef” as specified under ¶ 3-201.11(E), and
 - (3) The steak is cooked on both the top and bottom to a surface temperature of 63°C. (145°F.) or above and a cooked color change is achieved on all external surfaces.
- (D) A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in ¶ (C) of this section, may be served or offered for sale in a ready-to-eat form if:
 - (1) The food establishment serves a population that is not a highly susceptible population, and
 - (2) The consumer is informed as specified under § 3-603.11 that to ensure its safety, the food should be cooked as specified under ¶ (A) or (B) of this section; or
 - (3) The Department grants a variance from ¶ (A) or (B) of this section as specified in § 8-103.10 based on a HACCP plan that:

- (a) Is submitted by the permit holder and approved as specified under § 8-103.11,
- (b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food, and
- (c) Verifies that equipment and procedures for food preparation and training of food employees at the food establishment meet the conditions of the variance.

3-401.12 Microwave Cooking.*

Raw animal foods cooked in a microwave oven shall be:

- (A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (B) Covered to retain surface moisture;
- (C) Heated to a temperature of at least 74°C. (165°F.) in all parts of the food; and
- (D) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

3-401.13 Plant Food Cooking for Hot Holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 54°C. (130°F.).

3-402.11 Parasite Destruction.*

- (A) Except as specified in ¶ (B) of this section, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:
 - (1) -20°C. (-4°F.) or below for 168 hours (7 days) in a freezer; or
 - (2) -35°C. (-31°F.) or below for 15 hours in a blast freezer.
- (B) If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the fish may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified under ¶ (A) of this section.

3-402.12 Records, Creation and Retention.

- (A) Except as specified in ¶ 3-402.11(B) and ¶ (B) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food establishment for 90 calendar days beyond the time of service or sale of the fish.
- (B) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under § 3-402.11 may substitute for the records specified under ¶ (A) of this section.

3-403.10 Preparation for Immediate Service.

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

3-403.11 Reheating for Hot Holding.*

- (A) Except as specified under ¶¶ (B) and (C) and in ¶ (E) of this section, potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74°C. (165°F.) for 15 seconds.
- (B) Except as specified under ¶ (C) of this section, potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74°C. (165°F.) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.
- (C) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory agency that has jurisdiction over the plant, shall be heated to a temperature of at least 54°C. (130°F.) for hot holding.
- (D) Reheating for hot holding shall be done rapidly and the time the food is between the temperature specified under ¶ 3-501.16(B) or (C) and 74°C. (165°F.) may not exceed 2 hours.
- (E) Remaining unsliced portions of roasts of beef that are cooked as specified under ¶ 3-401.11(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ¶ 3-401.11(B).

3-501.11 Frozen Food.

Stored frozen foods shall be maintained frozen.

3-501.12 Potentially Hazardous Food, Slacking.

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

- (A) Under refrigeration that maintains the food temperature at 5°C. (41°F.) or less, or at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C); or
- (B) At any temperature if the food remains frozen.

3-501.13 Thawing.

Except as specified in ¶ (D) of this section, potentially hazardous food shall be thawed:

- (A) Under refrigeration that maintains the food temperature at 5°C. (41°F.) or less, or at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C); or
- (B) Completely submerged under running water:
 - (1) At a water temperature of 21°C. (70°F.) or below,
 - (2) With sufficient water velocity to agitate and float off loose particles in an overflow, and
 - (3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C. (41°F.), or 7°C. (45°F.) as specified under ¶ 3-501.16(C), or
 - (4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under ¶ 3-401.11(A) or (B) to be above 5°C. (41°F.), or 7°C. (45°F.) as specified under ¶ 3-501.16(C), for more than 4 hours including:
 - (a) The time the food is exposed to the running water and the time needed for preparation for cooking, or
 - (b) The time it takes under refrigeration to lower the food temperature to 5°C. (41°F.), or 7°C. (45°F.) as specified under ¶ 3-501.16(C);
- (C) As part of a cooking process if the food that is frozen is:
 - (1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 3-401.12, or
 - (2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or

- (D) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

3-501.14 Cooling.*

- (A) Cooked potentially hazardous food shall be cooled:
 - (1) Within 2 hours, from 54°C. (130°F.) to 21°C. (70°F.); and
 - (2) Within 4 hours, from 21°C. (70°F.) to 5°C. (41°F.) or less, or to 7°C. (45°F.) as specified under ¶ 3-501.16(C).
- (B) Potentially hazardous food shall be cooled within 4 hours to 5°C. (41°F.) or less, or to 7°C. (45°F.) as specified under ¶ 3-501.16(C) if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- (C) Except as specified in ¶ (D) of this section, a potentially hazardous food received in compliance with laws allowing a temperature above 5°C. (41°F.) during shipment from the supplier as specified in ¶ 3-202.11(B), shall be cooled within 4 hours to 5°C. (41°F.) or less, or 7°C. (45°F.) or less as specified under ¶ 3-501.16(C).
- (D) Shell eggs need not comply with ¶ (C) of this section if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at 5°C. (41°F.) or less, or 7°C. (45°F.) or less as specified under ¶ 3-501.16(C).

3-501.15 Cooling Methods.

- (A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under § 3-501.14 by using one or more of the following methods based on the type of food being cooled:
 - (1) Placing the food in shallow pans;
 - (2) Separating the food into smaller or thinner portions;
 - (3) Using rapid cooling equipment;
 - (4) Stirring the food in a container placed in an ice water bath;
 - (5) Using containers that facilitate heat transfer;
 - (6) Adding ice as an ingredient; or
 - (7) Other effective methods.
- (B) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:
 - (1) Arranged in the equipment to provide maximum heat transfer through the container walls; and
 - (2) Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.11(A)(2), during the cooling period to facilitate heat transfer from the surface of the food.

3-501.16 Potentially Hazardous Food, Hot and Cold Holding.*

Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.19, potentially hazardous food shall be maintained:

- (A) At 54°C. (130°F.) or above, or
- (B) At 5°C. (41°F.) or less, except as specified under ¶ (C) of this section and §§ 3-501.17, 3-501.18, and 4-204.111.
- (C) At 7°C. (45°F.) or between 7°C. (45°F.) and 5°C. (41°F.) in existing refrigeration equipment that is not capable of maintaining the food at 5°C. (41°F.) or less if:
 - (1) The equipment is in place and in use in the food establishment; and
 - (2) Within 10 years of the adoption of this Code, the equipment is upgraded or replaced to maintain food at a temperature of 5°C. (41°F.) or less.

3-501.17 Ready-to-Eat, Potentially Hazardous Food, Date Marking.*

- (A) Except as specified in ¶ (E) of this section, refrigerated, ready-to-eat, potentially hazardous food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed which is, including the day of preparation:
 - (1) Seven (7) calendar days or less from the day that the food is prepared, if the food is maintained at 5°C. (41°F.) or less; or
 - (2) Four (4) calendar days or less from the day the food is prepared, if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C).
- (B) Except as specified in ¶ (E) of this section, a ready-to-eat, potentially hazardous food prepared in a food establishment and subsequently frozen, shall be clearly marked:
 - (1) When the food is thawed, to indicate that the food shall be consumed within 24 hours; or
 - (2) When the food is placed into the freezer, to indicate the length of time before freezing that the food is held refrigerated and which is, including the day of preparation:
 - (a) Seven (7) calendar days or less from the day of preparation, if the food is maintained at 5°C. (41°F.) or less, or
 - (b) Four (4) calendar days or less from the day of preparation, if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C); and
 - (3) When the food is removed from the freezer, to indicate the date by which the food shall be consumed which is:
 - (a) Seven (7) calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 5°C. (41°F.) or less before and after freezing, or
 - (b) Four (4) calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C) before and after freezing.
- (C) Except as specified in ¶¶ (E) and (F) of this section, a container of refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment, to indicate the date by which the food shall be consumed which is, including the day the original container is opened:
 - (1) Seven (7) calendar days or less after the original container is opened, if the food is maintained at 5°C. (41°F.) or less; or
 - (2) Four (4) calendar days or less from the day the original container is opened, if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C).
- (D) Except as specified in ¶¶ (E) and (F) of this section, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by a food processing plant and subsequently opened and frozen in a food establishment shall be clearly marked:
 - (1) When the food is thawed, to indicate that the food shall be consumed within 24 hours; or
 - (2) To indicate the time between the opening of the original container and freezing that the food is held refrigerated and which is, including the day of opening the original container:
 - (a) Seven (7) calendar days or less, after opening the original container if the food is maintained at 5°C. (41°F.) or less, or

- (b) Four (4) calendar days or less after opening the original container if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C); and
- (3) When the food is removed from the freezer, to indicate the date by which the food shall be consumed which is:
 - (a) Seven (7) calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 5°C. (41°F.) or less before and after freezing, or
 - (b) Four (4) calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C) before and after freezing.
- (E) Paragraphs (A)-(D) of this section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- (F) Paragraphs (C) and (D) of this section do not apply to whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.

3-501.18 Ready-to-Eat, Potentially Hazardous Food, Disposition.*

- (A) A food specified under ¶ 3-501.17(A) shall be discarded if not consumed within:
 - (1) Seven (7) calendar days from the date of preparation if the food is maintained at 5°C. (41°F.) or less; or
 - (2) Four (4) calendar days from the date of preparation if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C).
- (B) A food specified under Subparagraph 3-501.17(B)(1) or (D)(1) shall be discarded if not consumed within 24 hours after thawing.
- (C) A food specified under Subparagraphs 3-501.17(B)(2) and (3) or (D)(2) and (3) shall be discarded on or before the most recent date marked on the food container or package if the food is not consumed by that date.
- (D) A food specified under ¶ 3-501.17(C) shall be discarded if not consumed within, including the day of opening the original container:
 - (1) Seven (7) calendar days after the date that the original package is opened in a food establishment if the food is maintained at 5°C. (41°F.) or less; or
 - (2) Four (4) calendar days after the date that the original package is opened in a food establishment if the food is maintained at 7°C. (45°F.) or less as specified under ¶ 3-501.16(C).
- (E) A food specified under ¶ 3-501.17(A), (B), (C), or (D) shall be discarded if the food is:
 - (1) Marked with the date specified under ¶ 3-501.17(A), (B), (C), or (D) and the food is not consumed before the most recent date expires;
 - (2) In a container or package which does not bear a date or time; or
 - (3) Inappropriately marked with a date or time that exceeds the date or time specified under ¶ 3-501.17(A), (B), (C), or (D).
- (F) Refrigerated, ready-to-eat, potentially hazardous food prepared in a food establishment and dispensed through a vending machine with an automatic shut-off control that is activated at a temperature of:
 - (1) 5°C. (41°F.) shall be discarded if not sold within 7 days; or
 - (2) 7°C. (45°F.) shall be discarded if not sold within 4 days.
- (G) A refrigerated, potentially hazardous, ready-to-eat food ingredient or a portion of a refrigerated, potentially hazardous, ready-to-eat food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest or

first-prepared ingredient or portion and shall be discarded as specified under ¶¶ 3-501.18(A) - (F).

3-501.19 Time as a Public Health Control.*

- (A) Except as specified under ¶ (B) of this section, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
- (1) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control,
 - (2) The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control,
 - (3) The food in unmarked containers or packages or marked to exceed a 4 hour limit shall be discarded, and
 - (4) Written procedures shall be maintained in the food establishment and made available to the Department upon request, that ensure compliance with:
 - (a) Subparagraphs (A)(1)-(4) of this section, and
 - (b) § 3-501.14 for food that is prepared, cooked, and refrigerated before time is used as a public health control.
- (B) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

3-502.11 Variance Requirement.*

A food establishment shall obtain a variance from the Department as specified in § 8-103.10 and under § 8-103.11 before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; brewing alcoholic beverages; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method except as specified under § 3-502.12 where a barrier to *Clostridium botulinum* in addition to refrigeration exists; or preparing food by another method that is determined by the Department to require a variance.

3-502.12 Reduced Oxygen Packaging, Criteria.*

- (A) Except for a food establishment that obtains a variance as specified under § 3-502.11, a food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall ensure that there are at least two barriers in place to control the growth and toxin formation of *C. botulinum*.
- (B) A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP plan that contains the information specified under ¶ 8-201.14(D) and that:
- (1) Identifies the food to be packaged;
 - (2) Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it complies with one of the following:
 - (a) Has an A_w of 0.91 or less,
 - (b) Has a pH of 4.6 or less,

- (c) Is a meat or poultry product cured at a food processing plant regulated by the U.S.D.A. using substances specified in 9CFR318.7 Approval of substances for use in the preparation of products and 9CFR381.147 Restrictions on the use of substances in poultry products and is received in an intact package, or
 - (d) Is a food with a high level of competing organisms such as raw meat or raw poultry;
- (3) Specifies methods for maintaining food at 5°C. (41°F.) or below;
- (4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - (a) Maintain the food at 5°C. (41°F.) or below, and
 - (b) Discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;
- (5) Limits the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
- (6) Includes operational procedures that:
 - (a) Prohibit contacting food with bare hands,
 - (b) Identify a designated area and the method by which:
 - (i) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
 - (ii) Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation, and
 - (c) Delineate cleaning and sanitization procedures for food-contact surfaces; and
- (7) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
 - (a) Concepts required for a safe operation,
 - (b) Equipment and facilities, and
 - (c) Procedures specified under Subparagraph (A)(6) of this section and ¶ 8-201.14(D).
- (C) Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.

3-601.11 Standards of Identity.

Packaged food shall comply with standard of identity requirements in 21CFR 131-169 and 9CFR319 Definitions and Standards of Identity or Composition, and the general requirements in 21CFR130 - Food Standards: General and 9CFR319 Subpart A - General.

3-601.12 Honestly Presented.

- (A) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
- (B) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

3-602.11 Food Labels.

- (A) Food packaged in a food establishment shall be labeled as specified in law, including 21CFR101 - Food Labeling, and 9CFR317 Labeling, Marking Devices, and Containers.
- (B) Label information shall include:
 - (1) The common name of the food, or absent a common name, an adequately descriptive identity statement;
 - (2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
 - (3) An accurate declaration of the quantity of contents;
 - (4) The name and place of business of the manufacturer, packer, or distributor; and
 - (5) Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(Q)(3)-(5), nutrition labeling as specified in 21CFR101 - Food Labeling and 9CFR317 Subpart B Nutrition Labeling.
- (C) Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:
 - (1) The manufacturer's or processor's label that was provided with the food; or
 - (2) A card, sign, or other method of notification that includes the information specified under Subparagraphs (B)(1), (2), and (5) of this section.
- (D) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:
 - (1) A health, nutrient content, or other claim is not made;
 - (2) There are no state or local laws requiring labeling; and
 - (3) The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

3-602.12 Other Forms of Information.

- (A) If required by law, consumer warnings shall be provided.
- (B) Food establishment or manufacturers' dating information on foods may not be concealed or altered.

3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.*

Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under ¶ 3-801.11(D), if an animal food such as beef, eggs, fish, lamb, pork, poultry, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating such foods in raw or undercooked form.

3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.*

- (A) A food that is unsafe, adulterated, or not honestly presented as specified under § 3-101.11 shall be reconditioned according to an approved procedure or discarded.
- (B) Food that is not from an approved source as specified under §§ 3-201.11 through .17 shall be discarded.
- (C) Ready-to-eat food that may have been contaminated by an employee who has any of the conditions that require reporting to the person in charge under § 2-201.11 or who has been

excluded by the Department under the communicable disease rules at 9 A.A.C. 6 shall be discarded.

- (D) Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

3-801.11 Pasteurized Foods, Prohibited Reservice, and Prohibited Food.*

In a food establishment that serves a highly susceptible population:

- (A) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR, Section 101.17(g) Food Labeling, may not be served or offered for sale;
- (B) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:
 - (1) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, egg nog, ice cream, and egg-fortified beverages, and
 - (2) Except as specified in ¶ (E) of this section, recipes in which more than one egg is broken and the eggs are combined;
- (C) Food in an unopened original package may not be re-served; and
- (D) The following foods may not be served or offered for sale in a ready-to-eat form:
 - (1) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare,
 - (2) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue, and
 - (3) Raw seed sprouts.
- (E) Subparagraph (B)(2) of this section does not apply if:
 - (1) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under Subparagraph 3-401.11(A)(1), and served immediately, such as an omelet, soufflé, or scrambled eggs;
 - (2) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or
 - (3) The preparation of the food is conducted under a HACCP plan that:
 - (a) Identifies the food to be prepared,
 - (b) Prohibits contacting ready-to-eat food with bare hands,
 - (c) Includes specifications and practices that ensure:
 - (i) *Salmonella enteritidis* growth is controlled before and after cooking, and
 - (ii) *Salmonella enteritidis* is destroyed by cooking the eggs according to the temperature and time specified in subparagraph 3-401.11(A)(2),
 - (d) Contains the information specified under ¶ 8-201.14(D) including procedures that:
 - (i) Control cross contamination of ready-to-eat food with raw eggs, and
 - (ii) Delineate cleaning and sanitization procedures for food contact surfaces, and
 - (e) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

Subsection 4 Equipment, Utensils, and Linens

4-101.11 Characteristics.*

Materials that are used in the construction of utensils and food contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

- (A) Safe;
- (B) Durable, corrosion-resistant, and nonabsorbent;
- (C) Sufficient in weight and thickness to withstand repeated warewashing;
- (D) Finished to have a smooth, easily cleanable surface; and
- (E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

4-101.12 Cast Iron, Use Limitation.

- (A) Except as specified in ¶¶ (B) and (C) of this section, cast iron may not be used for utensils or food-contact surfaces of equipment.
- (B) Cast iron may be used as a surface for cooking.
- (C) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

4-101.13 Lead in Ceramic, China, and Crystal Utensils, Use Limitation.

Ceramic, china, crystal utensils, and decorative utensils such as hand painted ceramic or china that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead mg/L
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls \geq 1.1 L (1.16 QT)	1
Small Hollowware	Bowls $<$ 1.1 L (1.16 QT)	2.0
Flat Utensils	Plates, Saucers	3.0

4-101.14 Copper, Use Limitation.*

- (A) Except as specified in ¶ (B) of this section, copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.
- (B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

4-101.15 Galvanized Metal, Use Limitation.*

Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

4-101.16 Sponges, Use Limitation.

Sponges may not be used in contact with cleaned and sanitized or in use food-contact surfaces.

4-101.17 Lead in Pewter Alloys, Use Limitation.

Pewter alloys containing lead in excess of 0.05% may not be used as a food-contact surface.

4-101.18 Lead in Solder and Flux, Use Limitation.

Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

4-101.19 Wood, Use Limitation.

- (A) Except as specified in ¶¶ (B), (C), and (D) of this section, wood and wood wicker may not be used as a food-contact surface.
- (B) Hard maple or an equivalently hard, close-grained wood may be used for:
 - (1) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and
 - (2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above.
- (C) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.
- (D) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
 - (1) Untreated wood containers; or
 - (2) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21CFR178.3800 preservatives for wood.

4-101.110 Nonstick Coatings, Use Limitation.

Multiuse kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

4-101.111 Nonfood-Contact Surfaces.

Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

4-102.11 Characteristics.*

Materials that are used to make single-service and single-use articles:

- (A) May not:
 - (1) Allow the migration of deleterious substances, or
 - (2) Impart colors, odors, or tastes to food; and
- (B) Shall be:
 - (1) Safe, and
 - (2) Clean.

4-201.11 Equipment and Utensils.

Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

4-201.12 Food Temperature Measuring Devices.*

Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

4-202.11 Food-Contact Surfaces.*

- (A) Multiuse food-contact surfaces shall be:
 - (1) Smooth;
 - (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
 - (3) Free of sharp internal angles, corners, and crevices;
 - (4) Finished to have smooth welds and joints; and
 - (5) Except as specified in ¶ (B) of this section, accessible for cleaning and inspection by one of the following methods:
 - (a) Without being disassembled,
 - (b) By disassembling without the use of tools, or
 - (c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and allen wrenches.
- (B) Subparagraph (A)(5) of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.

4-202.12 CIP Equipment.

- (A) CIP equipment shall meet the characteristics specified under § 4-202.11 and shall be designed and constructed so that:
 - (1) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces, and
 - (2) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and
- (B) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

4-202.13 "V" Threads, Use Limitation.

Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

4-202.14 Hot Oil Filtering Equipment.

Hot oil filtering equipment shall meet the characteristics specified under § 4-202.11 or § 4-202.12 and shall be readily accessible for filter replacement and cleaning of the filter.

4-202.15 Can Openers.

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

4-202.16 Nonfood-Contact Surfaces.

Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

4-202.17 Kick Plates, Removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

- (A) Removable by one of the methods specified under Subparagraphs 4-202.11(E)(1)-(3) or capable of being rotated open; and
- (B) Removable or capable of being rotated open without unlocking equipment doors.

4-202.18 Ventilation Hood Systems, Filters.

Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

4-203.11 Temperature Measuring Devices, Food.

- (A) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}\text{C}$. in the intended range of use.
- (B) Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$. in the intended range of use.

4-203.12 Temperature Measuring Devices, Ambient Air and Water.

- (A) Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to $\pm 1.5^{\circ}\text{C}$. in the intended range of use.
- (B) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to $\pm 3^{\circ}\text{F}$. in the intended range of use.

4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

4-204.11 Ventilation Hood Systems, Drip Prevention.

Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

4-204.12 Equipment Openings, Closures and Deflectors.

- (A) A cover or lid for equipment shall overlap the opening and be sloped to drain.
- (B) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).
- (C) Except as specified under ¶ (D) of this section, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.
- (D) If a watertight joint is not provided:
 - (1) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and
 - (2) The opening shall be flanged as specified under ¶ (B) of this section.

4-204.13 Dispensing Equipment, Protection of Equipment and Food.

In equipment that dispenses or vends liquid food or ice in unpackaged form:

- (A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;
- (B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;
- (C) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:
 - (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or
 - (2) Available for self-service during hours when it is not under the full-time supervision of a food employee; and
- (D) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

4-204.14 Vending Machine, Vending Stage Closure.

The dispensing compartment of a vending machine including a machine that is designed to vend prepackaged snack food that is not potentially hazardous such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

- (A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
- (B) Available for self-service during hours when it is not under the full-time supervision of a food employee.

4-204.15 Bearings and Gear Boxes, Leakproof.

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant can not leak, drip, or be forced into food or onto food-contact surfaces.

4-204.16 Beverage Tubing, Separation.

Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice. This section does not apply to cold plates that are constructed integrally with an ice storage bin.

4-204.17 Ice Units, Separation of Drains.

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

4-204.18 Condenser Unit, Separation.

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

4-204.19 Can Openers on Vending Machines.

Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

4-204.110 Molluscan Shellfish Tanks.

- (A) Except as specified under ¶ (B) of this section, molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- (B) Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the Department as specified in § 8-103.10 and a HACCP plan that:
 - (1) Is submitted by the permit holder and approved as specified under § 8-103.11; and
 - (2) Ensures that:
 - (a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,
 - (b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
 - (c) The identity of the source of the shellstock is retained as specified under § 3-203.12.

4-204.111 Vending Machines, Automatic Shutoff.*

- (A) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:
 - (1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified under Chapter 3; and
 - (2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Section 3.
- (B) When the automatic shutoff within a machine vending potentially hazardous food is activated:
 - (1) In a refrigerated vending machine, the ambient temperature may not exceed 5°C. (41°F.) or 7°C. (45°F.) as specified under ¶ 3-501.16(C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
 - (2) In a hot holding vending machine, the ambient temperature may not be less than 60°C. (140°F.) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

4-204.112 Temperature Measuring Devices.

- (A) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.
- (B) Except as specified in ¶ (C) of this section, cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- (C) Paragraph (B) of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod

units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.

- (D) Temperature measuring devices shall be designed to be easily readable.
- (E) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use.

4-204.113 Warewashing Machine, Data Plate Operating Specifications.

A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

- (A) Temperatures required for washing, rinsing, and sanitizing;
- (B) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
- (C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

4-204.114 Warewashing Machines, Internal Baffles.

Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

4-204.115 Warewashing Machines, Temperature Measuring Devices.

A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- (A) In each wash and rinse tank; and
- (B) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

4-204.116 Manual Warewashing Equipment, Heaters and Baskets.

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

- (A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C. (171°F.); and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

4-204.117 Warewashing Machines, Sanitizer Level Indicator.

A warewashing machine that uses a chemical for sanitization and that is installed after adoption of this Code by the Department, shall be equipped with a device that indicates audibly or visually when more chemical sanitizer needs to be added.

4-204.118 Warewashing Machines, Flow Pressure Device.

- (A) Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and

- (B) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.
- (C) Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

4-204.119 Warewashing Sinks and Drainboards, Self-Draining.

Sinks and drainboards of warewashing sinks and machines shall be self-draining.

4-204.120 Equipment Compartments, Drainage.

Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

4-204.121 Vending Machines, Liquid Waste Products.

- (A) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
- (B) Vending machines that dispense liquid food in bulk shall be:
 - (1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
 - (2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
- (C) Shutoff devices specified under Subparagraph (B)(2) of this section shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

4-204.122 Case Lot Handling Equipment, Moveability.

Equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

4-204.123 Vending Machine Doors and Openings.

- (A) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:
 - (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;
 - (2) Being effectively gasketed;
 - (3) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or
 - (4) Jambs or surfaces used to form an L-shaped entry path to the interface.
- (B) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

4-205.10 Food Equipment, Certification and Classification.

Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program will be deemed to comply with Parts 4-1 and 4-2 of this Chapter.

4-301.11 Cooling, Heating, and Holding Capacities.

Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under Chapter 3.

4-301.12 Manual Warewashing, Sink Compartment Requirements.

- (A) Except as specified in ¶ (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.
- (B) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in ¶ (C) of this section shall be used.
- (C) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:
 - (1) High-pressure detergent sprayers;
 - (2) Low- or line-pressure spray detergent foamers;
 - (3) Other task-specific cleaning equipment;
 - (4) Brushes or other implements;
 - (5) 2-compartment sinks as specified under ¶¶ (D) and (E) of this section; or
 - (6) Receptacles that substitute for the compartments of a multicompartment sink.
- (D) Before a 2-compartment sink is used:
 - (1) The permit holder shall have its use approved; and
 - (2) The nature of warewashing shall be limited to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the end of a shift, and:
 - (a) The number of items to be cleaned shall be limited,
 - (b) The cleaning and sanitizing solutions shall be made up immediately before use and drained immediately after use, and
 - (c) A detergent-sanitizer shall be used to sanitize and shall be applied as specified under § 4-501.115, or
 - (d) A hot water sanitization immersion step shall be used as specified under ¶ 4-603.16(C).
- (E) A 2-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

4-301.13 Drainboards.

Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

4-301.14 Ventilation Hood Systems, Adequacy.

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

4-301.15 Clothes Washers and Dryers.

- (A) Except as specified in ¶ (B) of this section, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.
- (B) If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under § 4-901.12, a mechanical clothes washer and dryer need not be provided.

4-302.11 Utensils, Consumer Self-Service.

A food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

4-302.12 Food Temperature Measuring Devices.

Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under Section 3.

4-302.13 Temperature Measuring Devices, Manual Warewashing.

In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

4-302.14 Sanitizing Solutions, Testing Devices.

A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.

4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

- (A) Except as specified in ¶ (B) of this section, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located:
 - (1) In locker rooms;
 - (2) In toilet rooms;
 - (3) In garbage rooms;
 - (4) In mechanical rooms;
 - (5) Under sewer lines that are not shielded to intercept potential drips;
 - (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - (7) Under open stairwells; or
 - (8) Under other sources of contamination.
- (B) A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.
- (C) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

4-402.11 Fixed Equipment, Spacing or Sealing.

- (A) Equipment that is fixed because it is not easily movable shall be installed so that it is:

- (1) Spaced to allow access for cleaning along the sides, behind, and above the equipment;
 - (2) Spaced from adjoining equipment, walls, and ceilings a distance of not more than 1 millimeter or one thirty-second inch; or
 - (3) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
- (B) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
- (1) Sealed to the table; or
 - (2) Elevated on legs as specified under ¶ 4-402.12(D).

4-402.12 Fixed Equipment, Elevation or Sealing.

- (A) Except as specified in ¶¶ (B) and (C) of this section, floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a 15 centimeter (6 inch) clearance between the floor and the equipment.
- (B) If no part of the floor under the floor-mounted equipment is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).
- (C) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.
- (D) Except as specified in ¶ (E) of this section, table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the equipment.
- (E) The clearance space between the table and table-mounted equipment may be:
 - (1) 7.5 centimeters (3 inches) if the horizontal distance of the table top under the equipment is no more than 50 centimeters (20 inches) from the point of access for cleaning; or
 - (2) 5 centimeters (2 inches) if the horizontal distance of the table top under the equipment is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.

4-501.11 Good Repair and Proper Adjustment.

- (A) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2.
- (B) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

4-501.12 Cutting Surfaces.

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

4-501.13 Microwave Ovens.

Microwave ovens shall meet the safety standards specified in 21CFR1030.10 microwave ovens.

4-501.14 Warewashing Equipment, Cleaning Frequency.

A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under § 4-301.13 shall be cleaned:

- (A) Before use;
- (B) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and
- (C) If used, at least every 24 hours.

4-501.15 Warewashing Machines, Manufacturers' Operating Instructions.

- (A) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.
- (B) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

4-501.16 Warewashing Sinks, Use Limitation.

- (A) A warewashing sink may not be used for handwashing.
- (B) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under § 4-501.14 before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under Part 4-7 before and after using the sink to wash produce or thaw food.

4-501.17 Warewashing Equipment, Cleaning Agents.

When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in ¶ 4-301.12(C), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

4-501.18 Warewashing Equipment, Clean Solutions.

The wash, rinse, and sanitize solutions shall be maintained clean.

4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.

The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 43°C. (110°F.) or the temperature specified on the cleaning agent manufacturer's label instructions.

4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature.

- (A) The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:
 - (1) For a stationary rack, single temperature machine, 74°C. (165°F.);
 - (2) For a stationary rack, dual temperature machine, 66°C. (150°F.);
 - (3) For a single tank, conveyor, dual temperature machine, 71°C. (160°F.); or
 - (4) For a multitank, conveyor, multitemperature machine, 66°C. (150°F.).
- (B) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 49°C. (120°F.).

4-501.111 Manual Warewashing Equipment, Hot Water Sanitization Temperatures.*

If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 77°C. (171°F.) or above.

4-501.112 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.

- (A) Except as specified in ¶ (B) of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 90°C. (194°F.), or less than:
- (1) For a stationary rack, single temperature machine, 74°C. (165°F.); or
 - (2) For all other machines, 82°C. (180°F.).
- (B) The maximum temperature specified under ¶ (A) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure.

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.*

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified under ¶ 4-703.11(C) shall be listed in 21CFR178.1010 Sanitizing solutions, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

- (A) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

Minimum Concentration mg/L	Minimum Temperatures	
	pH 10 or less °C (°F)	pH or less °C (°F)
25	49 (120)	49 (120)
50	38 (100)	24 (75)
100	13 (55)	13 (55)

- (B) An iodine solution shall have a:
- (1) Minimum temperature of 24°C. (75°F.),
 - (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
 - (3) Concentration between 12.5 mg/L and 25 mg/L;
- (C) A quaternary ammonium compound solution shall:
- (1) Have a minimum temperature of 24°C. (75°F.),
 - (2) Have a concentration as specified under § 7-204.11 and as indicated by the manufacturer's use directions included in the labeling, and
 - (3) Be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the manufacturer's label;
- (D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the permit holder shall demonstrate to the Department that the solution achieves sanitization and the use of the solution shall be approved; or

- (E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.

4-501.115 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.

If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration.

Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

4-502.11 Good Repair and Calibration.

- (A) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under Parts 4-1 and 4-2 or shall be discarded.
- (B) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.
- (C) Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

4-502.12 Single-Service and Single-Use Articles, Required Use.*

A food establishment without facilities specified under Parts 4-6 and 4-7 for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

4-502.13 Single-Service and Single-Use Articles, Use Limitation.

- (A) Single-service and single-use articles may not be reused.
- (B) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

4-502.14 Shells, Use Limitation.

Mollusk and crustacea shells may not be used more than once as serving containers.

4-601.11 Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.*

- (A) Equipment food-contact surfaces and utensils shall be clean to sight and touch.
- (B) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.
- (C) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

4-602.11 Equipment Food-Contact Surfaces and Utensils.*

- (A) Equipment food-contact surfaces and utensils shall be cleaned:
 - (1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
 - (2) Each time there is a change from working with raw foods to working with ready-to-eat foods;

- (3) Between uses with raw fruits and vegetables and with potentially hazardous food;
- (4) Before using or storing a food temperature measuring device; and
- (5) At any time during the operation when contamination may have occurred.
- (B) Subparagraph (A)(1) of this section does not apply if the food contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under § 3-401.11 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.
- (C) Except as specified in ¶ (D) of this section, if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every 4 hours.
- (D) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every 4 hours if:
 - (1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under Section 3 and the containers are cleaned when they are empty;
 - (2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:
 - (a) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	Cleaning Frequency
5.0°C (41°F) or less	24 hours
>5.0°C – 7.2°C (>41°F - 45°F)	20 hours
>7.2°C – 10.0°C (>45°F - 50°F)	16 hours
>10.0°C – 12.8°C (>50°F - 55°F)	10 hours

- ; and
- (b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment.
- (3) Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under Section 3, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours;
- (4) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under Section 3;
- (5) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;
- (6) The cleaning schedule is approved based on consideration of:
 - (a) Characteristics of the equipment and its use,
 - (b) The type of food involved,
 - (c) The amount of food residue accumulation, and

- (d) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or
- (7) In-use utensils are intermittently stored in a container of water in which the water is maintained at 54°C (130°F) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- (E) Except when dry cleaning methods are used as specified under § 4-603.11, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned:
 - (1) At any time when contamination may have occurred;
 - (2) At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
 - (3) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
 - (4) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
 - (a) At a frequency specified by the manufacturer, or
 - (b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

4-602.12 Cooking and Baking Equipment.

- (A) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in Subparagraph 4-602.11(D)(6).
- (B) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

4-602.13 Nonfood-Contact Surfaces.

Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

4-603.11 Dry Cleaning.

- (A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.
- (B) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

4-603.12 Precleaning.

- (A) Food debris on equipment and utensils shall be scrapped over a waste disposal unit, scupper, or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.
- (B) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

4-603.13 Loading of Soiled Items, Warewashing Machines.

Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

- (A) Exposes the items to the unobstructed spray from all cycles; and
- (B) Allows the items to drain.

4-603.14 Wet Cleaning.

- (A) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
- (B) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

4-603.15 Washing, Procedures for Alternative Manual Warewashing Equipment.

If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in ¶ 4-301.12(C) in accordance with the following procedures:

- (A) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (B) Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation; and
- (C) Equipment and utensils shall be washed as specified under ¶ 4-603.14(A).

4-603.16 Rinsing Procedures.

Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

- (A) Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - (1) A 3-compartment sink,
 - (2) Alternative manual warewashing equipment equivalent to a 3-compartment sink as specified in ¶ 4-301.12(C), or
 - (3) A 3-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;
- (B) Use of a detergent-sanitizer as specified under § 4-501.115 if using:
 - (1) Alternative warewashing equipment as specified in ¶ 4-301.12(C) that is approved for use with a detergent-sanitizer, or
 - (2) A warewashing system for CIP equipment;
- (C) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a 2-compartment sink operation;
- (D) If using a warewashing machine that does not recycle the sanitizing solution as specified under ¶ (E) of this section, or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:
 - (1) Integrated in the application of the sanitizing solution, and
 - (2) Wasted immediately after each application; or

- (E) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

4-603.17 Returnables, Cleaning for Refilling.*

- (A) Except as specified in ¶¶ (B) and (C) of this section, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.
- (B) A food-specific container for beverages may be refilled at a food establishment if:
 - (1) Only a beverage that is not a potentially hazardous food is used as specified under ¶ 3-304.17(A);
 - (2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
 - (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
 - (4) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and
 - (5) The container is refilled by:
 - (a) An employee of the food establishment, or
 - (b) The owner of the container if the beverage system includes a contamination-free transfer process that can not be bypassed by the container owner.
- (C) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

4-701.10 Food-Contact Surfaces and Utensils.

Equipment food-contact surfaces and utensils shall be sanitized.

4-702.11 Before Use After Cleaning.*

Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

4-703.11 Hot Water and Chemical.*

After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

- (A) Hot water manual operations by immersion for at least 30 seconds and as specified under § 4-501.111;
- (B) Hot water mechanical operations by being cycled through equipment that is set up as specified under §§ 4-501.15, 4-501.112, and 4-501.113 and achieving a utensil surface temperature of 71°C. (160°F.) as measured by an irreversible registering temperature indicator; or
- (C) Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under § 4-501.114 by providing:
 - (1) Except as specified under Subparagraph (C)(2) of this section, an exposure time of at least 10 seconds for a chlorine solution specified under ¶ 4-501.114(A),

- (2) An exposure time of at least 7 seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 38°C. (100°F.) or a pH of 8 or less and a temperature of at least 24°C. (75°F.),
- (3) An exposure time of at least 30 seconds for other chemical sanitizing solutions, or
- (4) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in Chapter VIII, Section 1.

4-801.11 Clean Linens.

Clean linens shall be free from food residues and other soiling matter.

4-802.11 Specifications.

- (A) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (B) Cloth gloves used as specified in ¶ 3-304.15(D) shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, and fish.
- (C) Linens and napkins that are used as specified under § 3-304.13 and cloth napkins shall be laundered between each use.
- (D) Wet wiping cloths shall be laundered daily.
- (E) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

4-803.11 Storage of Soiled Linens.

Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

4-803.12 Mechanical Washing.

- (A) Except as specified in ¶ (B) of this section, linens shall be mechanically washed.
- (B) In food establishments in which only wiping cloths are laundered as specified in ¶ 4-301.15(B), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under § 4-501.14.

4-803.13 Use of Laundry Facilities.

- (A) Except as specified in ¶ (B) of this section, laundry facilities on the premises of a food establishment shall be used only for the washing and drying of items used in the operation of the establishment.
- (B) Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food establishment items.

4-901.11 Equipment and Utensils, Air-Drying Required.

After cleaning and sanitizing, equipment and utensils:

- (A) Shall be air-dried or used after adequate draining as specified in ¶ (a) of 21CFR178.1010 Sanitizing solutions, before contact with food; and
- (B) May not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

4-901.12 Wiping Cloths, Air-Drying Locations.

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in ¶ 4-301.15(B) shall be air dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under § 4-501.114.

4-902.11 Food-Contact Surfaces.

Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

4-902.12 Equipment.

Equipment shall be reassembled so that food-contact surfaces are not contaminated.

4-903.11 Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.

- (A) Except as specified in ¶ (D) of this section, cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:
 - (1) In a clean, dry location;
 - (2) Where they are not exposed to splash, dust, or other contamination; and
 - (3) At least 15 cm (6 inches) above the floor.
- (B) Clean equipment and utensils shall be stored as specified under ¶ (A) of this section and shall be stored:
 - (1) In a self-draining position that allows air drying; and
 - (2) Covered or inverted.
- (C) Single-service and single-use articles shall be stored as specified under ¶ (A) of this section and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- (D) Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as specified under § 4-204.122.

4-903.12 Prohibitions.

- (A) Except as specified in ¶ (B) of this section, cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored:
 - (1) In locker rooms;
 - (2) In toilet rooms;
 - (3) In garbage rooms;
 - (4) In mechanical rooms;
 - (5) Under sewer lines that are not shielded to intercept potential drips;
 - (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - (7) Under open stairwells; or
 - (8) Under other sources of contamination.
- (B) Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

4-904.11 Kitchenware and Tableware.

- (A) Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food- and lip-contact surfaces is prevented.
- (B) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
- (C) Except as specified under ¶ (B) of this section, single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

4-904.12 Soiled and Clean Tableware.

Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

4-904.13 Preset Tableware.

IF tableware is preset:

- (A) It shall be protected from contamination by being wrapped, covered, or inverted;
- (B) Exposed, unused settings shall be removed when a consumer is seated; or
- (C) Exposed, unused settings shall be cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

Subsection 5 Water, Plumbing, and Waste

5-101.11 Approved System.*

Drinking water shall be obtained from an approved source that is:

- (A) A public water system; or
- (B) A nonpublic water system that is constructed, maintained, and operated according to law.

5-101.12 System Flushing and Disinfection.*

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

5-101.13 Bottled Drinking Water.*

Bottled drinking water used or sold in a food establishment shall be obtained from approved sources in accordance with 21CFR Part 129 - Processing and Bottling of Bottled Drinking Water (1989).

5-102.11 Standards.*

Except as specified under § 5-102.12:

- (A) Water from a public water system shall meet 40CFR141 - National Primary Drinking Water Regulations and State Drinking Water Quality Standards; and
- (B) Water from a nonpublic water system shall meet state drinking water quality standards.

5-102.12 Nondrinking Water.*

- (A) A nondrinking water supply shall be used only if its use is approved.
- (B) Nondrinking water shall be used only for nonculinary purposes such as air conditioning, nonfood equipment cooling, fire protection, and irrigation.

5-102.13 Sampling.

Except when used as specified under § 5-102.12, water from a nonpublic water system shall be sampled and tested at least annually and as required by State Water Quality Regulations.

5-102.14 Sample Report.

The most recent sample report for the nonpublic water system shall be retained on file in the food establishment or the report shall be maintained as specified by State Water Quality Regulations.

5-103.11 Capacity.*

- (A) The water source and system shall be of sufficient capacity to meet the peak water demands of the food establishment.
- (B) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

5-103.12 Pressure.

Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under ¶¶ 5-104.12(A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

5-104.11 System.

Water shall be received from the source through the use of:

- (A) An approved public water main; or
- (B) One or more of the following that shall be constructed, maintained, and operated according to law:
 - (1) Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances,
 - (2) Water transport vehicles, and
 - (3) Water containers.

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially bottled drinking water;
- (B) One or more closed portable water containers;
- (C) An enclosed vehicular water tank;
- (D) An on-premises water storage tank; or
- (E) Piping, tubing, or hoses connected to an adjacent approved source.

5-201. Approved.*

- (A) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.
- (B) A water filter shall be made of safe materials.

5-202.11 Approved System and Cleanable Fixtures.*

- (A) A plumbing system shall be designed, constructed, and installed according to law.
- (B) A plumbing fixture such as a handwashing facility, toilet, or urinal shall be easily cleanable.

5-202.12 Handwashing Facility, Installation.

- (A) A handwashing lavatory shall be equipped to provide water at a temperature of at least 43°C. (110°F.) through a mixing valve or combination faucet.
- (B) A steam mixing valve may not be used at a handwashing lavatory.
- (C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
- (D) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

5-202.13 Backflow Prevention, Air Gap.*

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or non-food equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).

5-202.14 Backflow Prevention Device, Design Standard.

A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

5-202.15 Conditioning Device, Design.

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

5-203.11 Handwashing Facilities.*

- (A) Except as specified in ¶¶ (B) and (C) of this section, at least 1 handwashing lavatory, a number of handwashing lavatories necessary for their convenient use by employees in areas specified under § 5-204.11, and not fewer than the number of handwashing lavatories required by law shall be provided.
- (B) If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing lavatories in a food establishment that has at least one handwashing lavatory.
- (C) If approved, when food exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.

5-203.12 Toilets and Urinals.*

At least 1 toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified in law.

5-203.13 Service Sink.

At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

5-203.14 Backflow Prevention Device, When Required.*

A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by law, by:

- (A) Providing an air gap as specified under § 5-202.13; or
- (B) Installing an approved backflow prevention device as specified under § 5-202.14.

5-203.15 Backflow Prevention Device, Carbonator.*

Reserved.

5-204.11 Handwashing Facilities.*

A handwashing facility shall be located:

- (A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and
- (B) In, or immediately adjacent to, toilet rooms.

5-204.12 Backflow Prevention Device, Location.

A backflow prevention device shall be located so that it may be serviced and maintained.

5-204.13 Conditioning Device, Location.

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

5-205.11 Using a Handwashing Facility.

- (A) A handwashing facility shall be maintained so that it is accessible at all times for employee use.
- (B) A handwashing facility may not be used for purposes other than handwashing.
- (C) An automatic handwashing facility shall be used in accordance with manufacturer's instructions.

5-205.12 Prohibiting a Cross Connection.*

- (A) Except as specified in 9CFR308.3(d) for firefighting, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.
- (B) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

5-205.13 Scheduling Inspection and Service for a Water System Device.

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person in charge.

5-205.14 Water Reservoir of Fogging Devices, Cleaning.*

- (A) A reservoir that is used to supply water to a device such as a produce fogger shall be:
 - (1) Maintained in accordance with manufacturer's specifications; and

- (2) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under ¶ (B) of this section, whichever is more stringent.
- (B) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:
 - (1) Draining and complete disassembly of the water and aerosol contact parts;
 - (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
 - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and
 - (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/l hypochlorite solution.

5-205.15 System Maintained in Good Repair.*

A plumbing system shall be:

- (A) Repaired according to law; and
- (B) Maintained in good repair.

5-301.11 Approved.

Materials that are used in the construction of a mobile water tank, mobile food establishment water tank, and appurtenances shall be:

- (A) Safe;
- (B) Durable, corrosion-resistant, and nonabsorbent; and
- (C) Finished to have a smooth, easily cleanable surface.

5-302.11 Enclosed System, Sloped to Drain.

A mobile water tank shall be:

- (A) Enclosed from the filling inlet to the discharge outlet; and
- (B) Sloped to an outlet that allows complete drainage of the tank.

5-302.12 Inspection and Cleaning Port, Protected and Secured.

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (A) Flanged upward at least 13 mm (one-half inch); and
- (B) Equipped with a port cover assembly that is:
 - (1) Provided with a gasket and a device for securing the cover in place, and
 - (2) Flanged to overlap the opening and sloped to drain.

5-302.13 "V" Type Threads, Use Limitation.

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

5-302.14 Tank Vent, Protected.

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

5-302.15 Inlet and Outlet, Sloped to Drain.

- (A) A water tank and its inlet and outlet shall be sloped to drain.
- (B) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

5-302.16 Hose, Construction and Identification.

A hose used for conveying drinking water from a water tank shall be:

- (A) Safe;
- (B) Durable, corrosion-resistant, and nonabsorbent;
- (C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (D) Finished with a smooth interior surface; and
- (E) Clearly and durably identified as to its use if not permanently attached.

5-303.11 Filter, Compressed Air.

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

5-303.12 Protective Cover or Device.

A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for a water inlet, outlet, and hose.

5-303.13 Mobile Food Establishment Tank Inlet.

A mobile food establishment's water tank inlet shall be:

- (A) 19.1 mm (three-fourths inch) in inner diameter or less; and
- (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

5-304.11 System Flushing and Disinfection.*

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

5-304.12 Using a Pump and Hoses, Backflow Prevention.

A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

5-304.13 Protecting Inlet, Outlet, and Hose Fitting.

If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under § 5-303.12.

5-304.14 Tank, Pump, and Hoses, Dedication.

- (A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.
- (B) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

5-401.11 Capacity and Drainage.

A sewage holding tank in a mobile food establishment shall be:

- (A) Sized 15 percent larger in capacity than the water supply tank; and

- (B) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

5-402.10 Establishment Drainage System.

Food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under ¶ 5-202.11(A).

5-402.11 Backflow Prevention.*

- (A) Except as specified in ¶¶ (B) and (C) of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.
- (B) If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
- (C) If allowed by law, a warewashing or culinary sink may have a direct connection.

5-402.12 Grease Trap.

If used, a grease trap shall be located to be easily accessible for cleaning.

5-402.13 Conveying Sewage.*

Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

5-402.14 Removing Mobile Food Establishment Wastes.

Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

5-402.15 Flushing a Waste Retention Tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

5-403.11 Approved Sewage Disposal System.*

Sewage shall be disposed through an approved facility that is:

- (A) A public sewage treatment plant; or
- (B) An individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

5-403.12 Other Liquid Wastes and Rainwater.

Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

5-501.10 Indoor Storage Area.

If located within the food establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under §§ 6-101.11, 6-201.11 - 6-201.18, 6-202.15, and 6-202.16.

5-501.11 Outdoor Storage Surface.

An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

5-501.12 Outdoor Enclosure.

If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

5-501.13 Receptacles.

- (A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leak proof, and nonabsorbent.
- (B) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles.

5-501.14 Receptacles in Vending Machines.

A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

5-501.15 Outside Receptacles.

- (A) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.
- (B) Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

5-501.16 Storage Areas, Rooms, and Receptacles, Capacity and Availability.

- (A) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
- (B) A receptacle shall be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

5-501.17 Toilet Room Receptacle, Covered.

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

5-501.18 Cleaning Implements and Supplies.

- (A) Except as specified in ¶ (B) of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.
- (B) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

5-501.19 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.

- (A) An area designated for refuse, recyclables, returnables, and, except as specified in ¶ (B) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single use articles and a public health hazard or nuisance is not created.
- (B) A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.
- (C) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

5-501.110 Storing Refuse, Recyclables, and Returnables.

Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

5-501.111 Areas, Enclosures, and Receptacles, Good Repair.

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

5-501.112 Outside Storage Prohibitions.

- (A) Except as specified in ¶ (B) of this section, refuse receptacles not meeting the requirements specified under ¶ 5-501.13(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.
- (B) Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

5-501.113 Covering Receptacles.

Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

- (A) Inside the food establishment if the receptacles and units:
 - (1) Contain food residue and are not in continuous use; or
 - (2) After they are filled; and
- (B) With tight-fitting lids or doors if kept outside the food establishment.

5-501.114 Using Drain Plugs.

Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

5-501.115 Maintaining Refuse Areas and Enclosures.

A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified under § 6-501.114, and clean.

5-501.116 Cleaning Receptacles.

- (A) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater shall be disposed of as specified under §§ 5-402.13 and 5-403.11.
- (B) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

5-502.11 Frequency.

Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5-502.12 Receptacles or Vehicles.

Refuse, recyclables, and returnables shall be removed from the premises by way of:

- (A) Portable receptacles that are constructed and maintained according to law; or
- (B) A transport vehicle that is constructed, maintained, and operated according to law.

5-503.11 Community or Individual Facility.

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

Subsection 6 Physical Facilities

6-101.11 Surface Characteristics.

- (A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:
 - (1) Smooth, durable, and easily cleanable for areas where food establishment operations are conducted;
 - (2) Closely woven and easily cleanable carpet for carpeted areas; and
 - (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.
- (B) In a temporary food establishment:
 - (1) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud; and
 - (2) Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

6-102.11 Surface Characteristics.

- (A) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (B) Exterior surfaces of buildings and mobile food establishments shall be of weather-resistant materials and shall comply with law.

- (C) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under §§ 5-501.11 and 5-501.12.

6-201.11 Floors, Walls, and Ceilings.

Except as specified under § 6-201.14, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.

6-201.12 Floors, Walls, and Ceilings, Utility Lines.

- (A) Utility service lines and pipes may not be unnecessarily exposed.
- (B) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
- (C) Exposed horizontal utility service lines and pipes may not be installed on the floor.

6-201.13 Floor and Wall Junctures, Coved, and Enclosed or Sealed.

- (A) In food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (one thirty-second inch).
- (B) The floors in food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

6-201.14 Floor Carpeting, Restrictions and Installation.

- (A) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- (B) If carpeting is installed as a floor covering in areas other than those specified under ¶ (A) of this section, it shall be:
 - (1) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
 - (2) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

6-201.15 Floor Covering, Mats and Duckboards.

Mats and duckboards shall be designed to be removable and easily cleanable.

6-201.16 Wall and Ceiling Coverings and Coatings.

- (A) Wall and ceiling covering materials shall be attached so that they are easily cleanable.
- (B) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

6-201.17 Walls and Ceilings, Attachments.

- (A) Except as specified in ¶ (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

- (B) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

6-201.18 Walls and Ceilings, Studs, Joists, and Rafters.

Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary food establishments.

6-202.11 Light Bulbs, Protective Shielding.

- (A) Except as specified in ¶ (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.
- (B) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:
 - (1) The integrity of the packages can not be affected by broken glass falling onto them; and
 - (2) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- (C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

6-202.12 Heating, Ventilating, Air Conditioning System Vents.

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

6-202.13 Insect Control Devices, Design and Installation.

- (A) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.
- (B) Insect control devices shall be installed so that:
 - (1) The devices are not located over a food preparation area; and
 - (2) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

6-202.14 Toilet Rooms, Enclosed.

A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door except that this requirement does not apply to a toilet room that is located outside a food establishment and does not open directly into the food establishment such as a toilet room that is provided by the management of a shopping mall.

6-202.15 Outer Openings, Protected.

- (A) Except as specified in ¶¶ (B), (C), and (E) and under ¶ (D) of this section, outer openings of a food establishment shall be protected against the entry of insects and rodents by:
 - (1) Filling or closing holes and other gaps along floors, walls, and ceilings;
 - (2) Closed, tight-fitting windows; and
 - (3) Solid, self-closing, tight-fitting doors.
- (B) Paragraph (A) of this section does not apply if a food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a

- porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.
- (C) Exterior doors used as exits need not be self-closing if they are:
 - (1) Solid and tight-fitting;
 - (2) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food establishment; and
 - (3) Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.
 - (D) Except as specified in ¶¶ (B) and (E) of this section, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified under ¶ (A) of this section, the openings shall be protected against the entry of insects and rodents by:
 - (1) 16 mesh to 25.4 mm (16 mesh to 1 inch) screens;
 - (2) Properly designed and installed air curtains; or
 - (3) Other effective means.
 - (E) Paragraph (D) of this section does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

6-202.16 Exterior Walls and Roofs, Protective Barrier.

Perimeter walls and roofs of a food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

6-202.17 Outdoor Food Vending Areas, Overhead Protection.

If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.

6-202.18 Outdoor Servicing Areas, Overhead Protection.

Servicing areas shall be provided with overhead protection except that areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

6-202.19 Outdoor Walking and Driving Surfaces, Graded to Drain.

Exterior walking and driving surfaces shall be graded to drain.

6-202.110 Outdoor Refuse Areas, Curbed and Graded to Drain.

Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

6-202.111 Private Homes and Living or Sleeping Quarters, Use Prohibition.

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

6-202.112 Living or Sleeping Quarters, Separation.

Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

6-301.10 Minimum Number.

Handwashing facilities shall be provided as specified under § 5-203.11.

6-301.11 Handwashing Cleanser, Availability.

Each handwashing lavatory or group of 2 adjacent lavatories shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

6-301.12 Hand Drying Provision.

Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- (A) Individual, disposable towels;
- (B) A continuous towel system that supplies the user with a clean towel; or
- (C) A heated-air hand drying device.

6-301.13 Handwashing Aids and Devices, Use Restrictions.

A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing lavatory as specified under §§ 6-301.11 and 6-301.12 and ¶ 5-501.16(C).

6-301.14 Handwashing Signage.

A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing lavatories used by food employees and shall be clearly visible to food employees.

6-301.20 Disposable Towels, Waste Receptacle.

A handwashing lavatory or group of adjacent lavatories that is provided with disposable towels shall be provided with a waste receptacle as specified under ¶ 5-501.16(C).

6-302.10 Minimum Number.

Toilets and urinals shall be provided as specified under § 5-203.12.

6-302.11 Toilet Tissue, Availability.

A supply of toilet tissue shall be available at each toilet.

6-303.11 Intensity.

The light intensity shall be:

- (A) At least 110 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;
- (B) At least 220 lux (20 foot candles):
 - (1) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;
 - (2) Inside equipment such as reach-in and under-counter refrigerators;

- (3) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and
- (C) At least 540 lux (50 foot candles) at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

6-304.11 Mechanical.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

6-305.11 Designation.

- (A) Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.
- (B) Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

6-306.10 Availability.

A service sink or curbed cleaning facility shall be provided as specified under § 5-203.13.

6-401.10 Conveniently Located.

Handwashing facilities shall be conveniently located as specified under § 5-204.11.

6-402.11 Convenience and Accessibility.

Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

6-403.11 Designated Areas.

- (A) Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.
- (B) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles can not occur.

6-404.11 Segregation and Location.

Products that are held by the permit holder for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

6-405.10 Receptacles, Waste Handling Units, and Designated Storage Areas.

Units, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified under § 5-501.19.

6-501.11 Repairing.

The physical facilities shall be maintained in good repair.

6-501.12 Cleaning, Frequency and Restrictions.

- (A) The physical facilities shall be cleaned as often as necessary to keep them clean.

- (B) Cleaning shall be done during periods when the least amount of food is exposed such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

6-501.13 Cleaning Floors, Dustless Methods.

- (A) Except as specified in ¶ (B) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust arresting compounds.
- (B) Spills or dripage on floors that occur between normal floor cleaning times may be cleaned:
 - (1) Without the use of dust-arresting compounds; and
 - (2) In the case of liquid spills or dripage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

6-501.14 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.

- (A) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
- (B) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

6-501.15 Cleaning Maintenance Tools, Preventing Contamination.*

Food preparation sinks, handwashing lavatories, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

6-501.16 Drying Mops.

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

6-501.17 Absorbent Materials on Floors, Use Limitation.

Except as specified in ¶ 6-501.13(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

6-501.18 Maintaining and Using Handwashing Facilities.

Handwashing facilities shall be kept clean, and maintained and used as specified under § 5-205.11.

6-501.19 Closing Toilet Room Doors.

Toilet room doors as specified under § 6-202.14 shall be kept closed except during cleaning and maintenance operations.

6-501.110 Using Dressing Rooms and Lockers.

- (A) Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.
- (B) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

6-501.111 Controlling Pests.*

The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

- (A) Routinely inspecting incoming shipments of food and supplies;
- (B) Routinely inspecting the premises for evidence of pests;
- (C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under §§ 7-202.12, 7-206.12, and 7-206.13; and
- (D) Eliminating harborage conditions.

6-501.112 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

6-501.113 Storing Maintenance Tools.

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

- (A) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
- (B) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

6-501.114 Maintaining Premises, Unnecessary Items and Litter.

The premises shall be free of:

- (A) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and
- (B) Litter.

6-501.115 Prohibiting Animals.*

- (A) Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment.
- (B) Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:
 - (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
 - (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
 - (3) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;
 - (4) Pets in the common dining areas of group residences at times other than during meals if:
 - (a) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
 - (b) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
 - (c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

- (5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.
- (C) Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

6-501.116 Vending Machine Signs.

The permit holder for a vending machine shall affix to the vending machine a permanent sign that includes:

- (1) A unique identifier for the vending machine, and
- (2) A telephone number for consumers to contact the permit holder.

Subsection 7 Poisonous or Toxic

7-101.11 Identifying Information, Prominence.*

Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

7-102.11 Common Name.*

Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

7-201.11 Separation.*

Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (A) Separating the poisonous or toxic materials by spacing or partitioning; and
- (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

7-202.11 Restriction.*

- (A) Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment.
- (B) ¶ (A) of this section does not apply to packaged poisonous or toxic materials that are for retail sale.

7-202.12 Conditions of Use.*

Poisonous or toxic materials shall be:

- (A) Used according to:
 - (1) Law and this Code,
 - (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment,

- (3) The conditions of certification, if certification is required, for use of the pest control materials, and
- (4) Additional conditions that may be established by the Department; and
- (B) Applied so that:
 - (1) A hazard to employees or other persons is not constituted, and
 - (2) Contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted-use pesticide, this is achieved by:
 - (a) Removing the items,
 - (b) Covering the items with impermeable covers, or
 - (c) Taking other appropriate preventive actions, and
 - (d) Cleaning and sanitizing equipment and utensils after the application.
- (C) A restricted use pesticide shall be applied only by an applicator certified as defined in 7USC136(e) Certified Applicator, of the Federal Insecticide, Fungicide and Rodenticide Act, or a person under the direct supervision of a Certified Applicator.

7-203.11 Poisonous or Toxic Material Containers.*

A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

7-204.11 Sanitizers, Criteria.*

Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21CFR178.1010 sanitizing solutions.

7-204.12 Chemicals for Washing Fruits and Vegetables, Criteria.*

Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21CFR173.315 chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

7-204.13 Boiler Water Additives, Criteria.*

Chemicals used as boiler water additives shall meet the requirements specified in 21CFR173.310 Boiler Water Additives.

7-204.14 Drying Agents, Criteria.*

Drying agents used in conjunction with sanitization shall:

- (A) Contain only components that are listed as one of the following:
 - (1) Generally recognized as safe for use in food as specified in 21CFR182 - Substances Generally Recognized as Safe, or 21CFR184 - Direct Food Substances Affirmed as Generally Recognized as Safe,
 - (2) Generally recognized as safe for the intended use as specified in 21CFR186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,
 - (3) approved for use as a drying agent under a prior sanction specified in 21CFR181 - Prior-Sanctioned Food Ingredients,
 - (4) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21CFR Parts 175-178, or
 - (5) approved for use as a drying agent under the threshold of regulation process established by 21CFR170.39 threshold of regulation for substances used in food-contact articles; and

- (B) When sanitization is with chemicals, the approval required under Subparagraph (A)(3) or (A)(5) of this section or the regulation as an indirect food additive required under Subparagraph (A)(4) of this section, shall be specifically for use with chemical sanitizing solutions.

7-205.11 Incidental Food Contact, Criteria.*

Lubricants shall meet the requirements specified in 21CFR178.3570 Lubricants with incidental food contact, if they are used on food contact surfaces, on bearings and gears located on or within food contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food contact surfaces.

7-206.11 Restricted Use Pesticides, Criteria.*

Restricted use pesticides specified under ¶ 7-202.12(C) shall meet the requirements specified in 40CFR152 Subpart I – Classification of Pesticides.

7-206.12 Rodent Bait Stations.*

Rodent bait shall be contained in a covered, tamper-resistant bait station.

7-206.13 Tracking Powders, Pest Control and Monitoring.*

- (A) A tracking powder pesticide may not be used in a food establishment.
- (B) If used, a nontoxic tracking powder such as talcum or flour may not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

7-207.11 Restriction and Storage.*

- (A) Only those medicines that are necessary for the health of employees shall be allowed in a food establishment. This section does not apply to medicines that are stored or displayed for retail sale.
- (B) Medicines that are in a food establishment for the employee's use shall be labeled as specified under § 7-101.11 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

7-207.12 Refrigerated Medicines, Storage.*

Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be:

- (A) Stored in a package or container and kept inside a covered, leak proof container that is identified as a container for the storage of medicines; and
- (B) Located so they are inaccessible to children.

7-208.11 Storage.*

First aid supplies that are in a food establishment for the employees' use shall be:

- (A) Labeled as specified under § 7-101.11; and
- (B) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

7-209.11 Storage.

Except as specified under §§ 7-207.12 and 7-208.11, employees shall store their personal care items in facilities as specified under ¶ 6-305.11(B).

7-301.11 Separation.*

Poisonous or toxic materials shall be stored and displayed for retail sale so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (A) Separating the poisonous or toxic materials by spacing or partitioning; and
- (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

Subsection 8 Compliance and Enforcement

8-101.10 Public Health Protection.

- (A) The Department shall apply this Code to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated, and honestly presented when offered to the consumer.
- (B) In enforcing the provisions of this Code, the Department shall assess existing facilities or equipment that were in use before the effective date of this Code based on the following considerations:
 - (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;
 - (2) Whether food-contact surfaces comply with Subpart 4-101;
 - (3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with § 4-301.11; and
 - (4) The existence of a documented agreement with the permit holder that the facilities or equipment will be replaced as specified under ¶ 8-304.11(G) or upgraded or replaced as specified under ¶ 8-304.11(H).

8-103.10 Modifications and Waivers.

The Department may grant a variance by modifying or waiving the requirements of this Code if in the opinion of the Department a health hazard or nuisance will not result from the variance. If a variance is granted, the Department shall retain the information specified under § 8-103.11 in its records for the food establishment.

8-103.11 Documentation of Proposed Variance and Justification.

Before a variance from a requirement of this Code is approved, the information that shall be provided by the person requesting the variance and retained in the Department's file on the food establishment includes:

- (A) A statement of the proposed variance of the Code requirement citing relevant Code section numbers;
- (B) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and
- (C) A HACCP plan if required as specified under ¶ 8-201.13(A) that includes the information specified under § 8-201.14 as it is relevant to the variance requested.

8-103.12 Conformance with Approved Procedures.*

If the Department grants a variance as specified in § 8-103.10, or a HACCP plan is otherwise required as specified under § 8-201.13, the permit holder shall:

- (A) Comply with the HACCP plans and procedures that are submitted as specified under § 8-201.14 and approved as a basis for the modification or waiver; and

- (B) Maintain and provide to the Department, upon request, records specified under ¶¶ 8-201.14(D) and (E) that demonstrate that the following are routinely employed;
 - (1) Procedures for monitoring critical control points,
 - (2) Monitoring of the critical control points,
 - (3) Verification of the effectiveness of an operation or process, and
 - (4) Necessary corrective actions if there is failure at a critical control point.

8-201.11 When Plans Are Required.

A permit applicant or permit holder shall submit to the Department properly prepared plans and specifications for review and approval before:

- (A) The construction of a food establishment;
- (B) The conversion of an existing structure for use as a food establishment; or
- (C) The remodeling of a food establishment or a change of type of food establishment or food operation as described in A.A.C.R9-8-103(A)(6)-(7) if the Department determines that plans and specifications are necessary to ensure compliance with this Code.

8-201.12 Contents of the Plans and Specifications.

The plans and specifications for a food establishment, including a food establishment specified under § 8-201.13, shall include, as required by the Department based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Code provisions:

- (A) Intended menu;
- (B) Anticipated volume of food to be stored, prepared, and sold or served;
- (C) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (D) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (E) Evidence that standard procedures that ensure compliance with the requirements of this Code are developed or are being developed; and
- (F) Other information that may be required by the Department for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

8-201.13 When a HACCP Plan is Required.

- (A) Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the Department for approval a properly prepared HACCP plan as specified under § 8-201.14 and the relevant provisions of this Code if:
 - (1) Submission of a HACCP plan is required according to law;
 - (2) A variance is required as specified under § 3-502.11, ¶ 4-204.110(B), or Subparagraphs 3-203.12(B)(2)(b) or 3-401.11(D)(3); or
 - (3) The regulatory authority determines that a food preparation or processing method requires a variance based on a plan submittal specified under § 8-201.12, an inspectional finding, or a variance request.
- (B) A permit applicant or permit holder shall have a properly prepared HACCP plan as specified under § 3-502.12.

8-201.14 Contents of a HACCP Plan.

For a food establishment that is required under § 8-201.13 to have a HACCP plan, the plan and specifications shall indicate:

- (A) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Department;
- (B) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - (1) Ingredients, materials, and equipment used in the preparation of that food, and
 - (2) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (C) Food employee and supervisory training plan that addresses the food safety issues of concern;
- (D) A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - (1) Each critical control point,
 - (2) The critical limits for each critical control point,
 - (3) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
 - (4) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,
 - (5) Action to be taken by the person in charge if the critical limits for each critical control point are not met, and
 - (6) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and
- (E) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

8-203.10 Preoperational Inspections.

The Department shall conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, has established standard operating procedures as specified under ¶ 8-201.12(E), and is in compliance with law and this Code.

8-301.11 Prerequisite for Operation.

A person may not operate a food establishment without a valid permit to operate issued by the Department.

8-301.12 Food Establishment Permit Application

- (A) To obtain a food establishment permit, an applicant shall complete and submit to the Department a food establishment permit application form supplied by the Department that indicates all of the following:
 - (1) The full name, telephone number, and mailing address of the applicant;
 - (2) The name, telephone number, and street address of the food establishment;
 - (3) Whether the food establishment is mobile or stationary;
 - (4) Whether the food establishment is temporary or permanent;
 - (5) Whether the food establishment facility is one of the following:
 - (a) A new construction that is not yet completed,
 - (b) An existing structure that is being converted for use as a food establishment, or
 - (c) An existing food establishment facility that is being remodeled;

- (6) Whether the food establishment prepares, offers for sale, or serves potentially hazardous food;
- (7) Whether the food establishment does any of the following:
 - (a) Prepares, offers for sale, or serves potentially hazardous food only to order upon consumer request;
 - (b) Prepares, offers for sale, or serves potentially hazardous food in advance in quantities based on projected consumer demand;
 - (c) Prepares, offers for sale, or serves potentially hazardous food using time alone, rather than time and temperature, as the public health control as described in FC § 3-501.19;
 - (d) Prepares potentially hazardous food in advance using a multiple stage food preparation method that may include the following:
 - (i) Combining potentially hazardous food ingredients,
 - (ii) Cooking,
 - (iii) Cooling,
 - (iv) Reheating,
 - (v) Hot or cold holding,
 - (vi) Freezing, or
 - (vii) Thawing;
 - (e) Prepares food as specified under subsection (A)(7)(d) for delivery to and consumption at a location off of the premises where prepared; or
 - (f) Prepares food as specified under subsection (A)(7)(d) for service to a highly susceptible population;
 - (g) Does not prepare food, but offers for sale only pre-packaged food that is not potentially hazardous food; and
- (8) The applicant's signature and the date signed.
- (B) An applicant who operates food establishments at multiple locations shall submit a completed permit application for each location.

8-304.11 Responsibilities of the Permit Holder.

Upon acceptance of the permit issued by the Department, the permit holder in order to retain the permit shall:

- (A) Post the permit in a location in the food establishment that is conspicuous to consumers;
- (B) Comply with the provisions of this Code including the conditions of a granted variance as specified under § 8-103.12, and approved plans as specified under § 8-201.12;
- (C) If a food establishment is required under § 8-201.13 to operate under a HACCP plan, comply with the plan as specified under § 8-103.12;
- (D) Require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person in charge the information required under § 2-201.11;
- (E) Immediately discontinue operations and notify the Department if an imminent health hazard may exist as specified under § 8-404.11;
- (F) Allow representatives of the Department access to the food establishment as specified under § 8-402.11;
- (G) Except as specified under ¶ (H) of this section, replace existing facilities and equipment specified in § 8-101.10 with facilities and equipment that comply with this Code if:
 - (1) The Department directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,

- (2) The Department directs the replacement of the facilities and equipment because of a change of ownership, or
- (3) The facilities and equipment are replaced in the normal course of operation;
- (H) Upgrade or replace refrigeration equipment as specified under ¶ 3-501.16(C), if the circumstances specified under Subparagraphs (G)(1)-(3) of this section do not occur first, and 10 years pass after the Department adopts this Code;
- (I) Comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the permit holder's food establishment or in response to community emergencies;
- (J) Accept notices issued and served by the Department according to law; and
- (K) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Code or a directive of the Department, including time-frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

8-304.20 Permits Not Transferable.

A permit may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation specified in the application as described in A.A.C. R9-8-103(A)(6)-(7) and the change in operation is not approved.

8-304.21 Permit Suspension or Revocation

- (A) The Department may suspend or revoke a food establishment permit if the permit holder:
 - (1) Violates this Article or A.R.S. § 36-601, or
 - (2) Provides false information on a permit application.

8-402.11 Allowed at Reasonable Times after Due Notice.

After the Department presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Department to determine if the food establishment is in compliance with this Code by allowing access to the establishment, allowing inspection, and providing information and records specified in this Code and to which the Department is entitled according to law, during the food establishment's hours of operation and other reasonable times. The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall comply with A.R.S. § 41-1009 when performing inspections.

8-404.11 Ceasing Operations and Reporting.

- (A) Except as specified in ¶ (B) of this section, a permit holder shall immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
- (B) A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

8-404.12 Resumption of Operations.

If operations are discontinued as specified under § 8-404.11 or otherwise according to law, the permit holder shall obtain approval from the Department before resuming operations. The Department shall approve or deny resumption of operations within 5-days of the permit holder's request to resume operations.

8-405.11 Timely Correction.

- (A) Except as specified in ¶ (B) of this section, a permit holder shall at the time of inspection correct a critical violation of this Code and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.
- (B) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Department may agree to or specify a longer time frame, not to exceed 10 calendar days after the inspection, for the permit holder to correct critical code violations or HACCP plan deviations.

8-406.11 Time Frame for Correction.

- (A) Except as specified in ¶ (B) of this section, the permit holder shall correct noncritical violations by a date and time agreed to or specified by the Department but no later than 90 calendar days after the inspection.
- (B) The Department may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

R 4-3-02

MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 3

MOBILE FOOD ESTABLISHMENTS

REGULATION 1. Definitions

- a) "Mobile Food Establishment" means a food establishment selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station.

For the purpose of this Health Code, mobile food establishments are classified as follows:

- (1) "Mobile Food Unit" means and refers to an enclosed vehicle-mounted food establishment designated to be readily movable from which food is composed, compounded, processed or prepared and from which the food is vended, sold or given away.
- (2) "Pushcart" means and refers to a non-self-propelled vehicle designated to be readily movable which is limited to the serving of non-potentially hazardous foods or commissary-wrapped potentially hazardous foods maintained at proper temperatures, or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.
- (3) "Food Peddler" means and refers to a retail food establishment in operation from a vehicle designated to be readily movable from which is wrapped, properly labeled non-potentially hazardous foods or packaged potentially hazardous foods held at proper temperatures, frozen or canned prepared food which, packaged, portioned, kept in ready-to-eat units or raw fruits and vegetables are vended, sold, or given away but in which establishment the food is not composed, compounded, thawed, reheated, cut, cooked, processed or prepared. Food peddlers may dispense soda fountain drinks, hot drinks, and assemble snow cones from approved and properly installed equipment.
- (4) "Temporary Food Establishment" means and refers to a food establishment that operates in conjunction with a fair, rodeo, exhibition or similar public event for not more than fourteen (14) consecutive days within any permit year provided it is the

same permittee, at the same location and the same event. At the termination of the event the temporary food establishment shall be removed from the premises.

- b) “Seasonal Food Establishment” means and refers to a food establishment that operates in conjunction with one public celebration or similar event for fifteen (15) to one hundred twenty (120) days within any permit year provided it is the same permittee, at the same location and the same event. At the termination of the event, the seasonal food establishment shall be removed from the premises.
- c) “Adventure Food Establishment” means and refers to a food establishment that operates in conjunction with a trail ride, motorized tour, hiking tour or similar type activity that prepares and serves food to participants in an outdoor or non-regular setting.

REGULATION 2. Compliance

- a) Every mobile food establishment, seasonal food establishment and adventure food establishment shall be operated and maintained in a clean and sanitary condition in compliance with the appropriate parts of this section and with the specific provisions in Chapter VIII, Section 1, and 2. The Department may impose additional requirements to protect against health hazards related to the conduct of the mobile food establishments, seasonal food establishments and adventure food establishments, may prohibit the sale or distribution of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this section.
- b) Mobile food unit, pushcart and food peddler permit holders that desire to perform operations not allowed under their permit, while operating in conjunction with a fair, rodeo, parade or other type of public gathering, shall be charged the temporary food establishment fee after the operation is approved, in writing, by the Department.

REGULATION 3. Permit Required

No person shall operate a mobile food establishment, seasonal food establishment or adventure food establishment without a valid permit to do so issued by this Department. A separate permit is required for each establishment. Permits are nontransferable from person-to-person, place-to-place or vehicle-to-vehicle.

REGULATION 4. Approval of Plans Required

No mobile food unit, pushcart or seasonal food establishment shall be constructed, nor shall any major alteration or addition be made thereto, unless detailed plans and specifications for the establishment have been provided to and approved by, the Department; nor shall any construction, alteration, or addition be made except in accordance with approved plans.

REGULATION 5. General Requirements

- a) For all mobile food units, pushcarts and food peddlers, the name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one

permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.

- b) Compressors, auxiliary engines, generators and similar mechanical units that are not an integral part of the food preparation or storage equipment shall be installed completely separated from the food preparation and storage areas and accessible from the exterior for all mobile food units and temporary establishments and seasonal food establishments.
- c) Only utensils and equipment necessary for the operation and maintenance of a mobile food establishment, seasonal food establishment or adventure food establishment shall be kept on the vehicle or booth enclosure.
- d) Adequate and durable waste containers of easily cleanable construction with self-closing covers shall be furnished for the use of consumers and the operator for of all mobile food establishments.
- e) Mobile food units, pushcarts seasonal food establishments shall operate from an approved commissary and shall report at least daily to such location for supplies, food storage, vehicle and equipment cleaning, waste disposal and service operations.
- f) Mobile food units, pushcarts and seasonal food establishments shall provide a commissary or other fixed food service establishment and report at least daily to such location for all supplies and for cleaning and service operations. Agreement to the Department upon request, at permit issue or renewal, and as a part of the documents submitted during plan review for a new permit. Food Peddlers selling potentially hazardous foods shall also provide a commissary agreement. Ice cream trucks are exempt.
- g) Mobile food units, pushcarts and food peddlers shall provide information about daily operations to the Department. Information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department. this information shall only be made available pursuant to the Public Records Act, A.R.S. § 39-121 through § 39-121.03 and Maricopa County Policy.
- h) Mobile food units, pushcarts, or food peddlers serving potentially hazardous foods shall maintain a log of visits to the approved commissary. This log shall be maintained using permanent, waterproof ink, and maintained with the unit at all times.
- i) Sanitary toilet facilities for use by employees shall be readily available within 200 feet of all mobile food establishments that are operated at the same site for more than a one-hour period.
- j) Mobile food units, pushcarts, temporary food establishments and seasonal food establishments shall not operate without hot and cold potable water, hand washing soap, sanitary towels, and an approved sanitizer which are available for immediate use at all times.
- k) Mobile food units, pushcarts, and food peddlers shall provide information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department.

- l) The area within which a mobile food establishment, seasonal food establishment or adventure food establishment is operating shall be kept clean and free from litter, garbage, rubble and debris at all times.
- m) All packaged foods shall be labeled in accordance with 21 CFR 101.
- n) All potentially hazardous foods prepared or sold from a mobile food establishment, seasonal food establishment or adventure food establishment shall be prepared on the same day of sale or service. Hold over of potentially hazardous food from a previous day's operation is prohibited.
- o) Mobile food units and pushcarts shall provide an approved potable water hose designated for drinking water use only. This hose is to be used only to fill the fresh water tank.
- p) Mobile food units, temporary food establishments and seasonal food establishments shall not prepare or offer for sale any type of potentially hazardous food that is raw or raw-marinated without proper consumer notification as identified in Chapter VIII, Section 2.
- q) All food that is held for consumer self-service shall be wrapped to protect it from contamination.
- r) Mobile food units, food peddlers and temporary food establishments or that sell potentially hazardous foods held hot or cold that are manufactured by a food processing plant shall only sell those items that bear a "Sell By" date placed on the food by the food processing plant. "Sell By" dates shall be legible and plainly presented to the consumer and not obscured in any way. All foods must be sold within 24 hours from being placed on the vehicle.

REGULATION 6. Interior Fixtures

- a) Food service openings for Mobile Food Units shall be:
 - (1) Limited to 216 square inches (such as 12 inches x 18 inches) each and equipped with a screen (16 mesh per square inch minimum) or solid door which shall be kept closed when not in use.
 - (2) Multiple service openings shall be at least 18 inches apart.
- b) The cab or driving portion of the vehicle for a Mobile Food Unit shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition.
- c) Doors to the food preparation and serving area shall be effectively self-closing and kept closed for Mobile Food Units.
- d) A three-compartment sink equipped with an integral metal drain board shall be permanently installed in all Mobile Food Units. Each compartment shall be at least 12

inches wide, 12 inches long, and 10 inches deep and each drain board shall be at least 144 square inches. A metal shelf may be used in lieu of one drain board when approved by the Department

- e) A handwashing lavatory at least 9 inches wide, 9 inches long, and 5 inches deep shall be permanently installed on all Mobile Food Units and Pushcarts.
- f) Interior walls and ceilings of a mobile food unit shall be light in color.

REGULATION 7. Food Protection

- a) Time only as a public health control, as explained in Chapter VIII, Section 2, shall not be used in Mobile Food Units, Pushcarts or Food Peddlers.
- b) Food preparation in Mobile Food Units shall be simplified to reduce excessive steps where food may become contaminated. Only minimum food preparations shall be approved.
- c) When a Mobile Food establishment is in transit, all closures shall be in place and all food appropriately protected.
- d) With the exception of instant tea, all tea must be brewed with boiling water in all Mobile Food Establishments, Seasonal Food Establishments and Adventure Food Establishments.
- e) The Department shall approve, in writing, the procedures used by any Mobile Food Establishment for providing samples of food to the consumer.
- f) Outdoor cooking, processing, composing, compounding, preparing, grilling, storage, or service of any food or beverage is prohibited from Mobile Food Units and Pushcarts.
- g) All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.

REGULATION 8. Water and Waste Water

- a) A potable water system under pressure, supplying hot and cold water, of a minimum capacity of 30 gallons, shall be installed permanently in mobile food units for food preparation, utensil washing and sanitization, and handwashing.
- b) Pushcarts shall have a permanently installed potable water storage tank with a minimum capacity of 5 gallons for the purpose of hand washing only.
- c) Mobile food units and pushcarts shall provide a minimum flow rate of hot and cold water to each sink basin of one gallon per minute.
- d) The fixtures or connectors for the inlet on a potable water storage tank for all mobile food units and pushcarts shall not be the same size or type as fixtures or connectors used to

drain wastewater tanks. Potable water system inlets shall be protected against use for any other service and from potential contamination from any source. In addition, potable water inlet shall be no larger than $\frac{3}{4}$ " unless otherwise approved by the Department.

- e) A liquid waste storage tank with a capacity at least 15% larger than the potable water storage tank shall be installed on all mobile food units and pushcarts.
- f) All connections on the vehicle for servicing mobile food units, pushcarts, and temporary food establishment waste disposal facilities shall be of different size or type than those used for supplying potable water to these vehicles. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. In addition, wastewater outlet shall be greater than 1" unless otherwise approved by the Department.
- g) Alternative water supplies indicated in Chapter VIII, Section 2 shall not be used by mobile food units or pushcarts.
- h) Mobile Food Units and Pushcarts shall not connect to water or waste water systems except during servicing operations at a commissary or as approved by the Department.
- i) Water and sewage piping connected to and serving mobile food establishments (when approved for mobile food units and pushcarts) and seasonal food establishments shall not exceed 50 feet in length. Mobile food establishments and seasonal food establishments connected to an approved potable water system shall also be connected to an approved sewage disposal system.
- j) "Y" type connections are prohibited on water and sewage lines for mobile food units, pushcarts, temporary food establishments and seasonal food establishments.
- k) All water tanks, pumps, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse longer than 7-days. Potable water tanks shall be flushed and sanitized monthly.
- l) Wastewater holding tanks shall be emptied into an approved sewage disposal system.

REGULATION 9. Additional Regulations for Food Peddlers

- a) Food peddlers that are selling foods outside their vehicles shall provide a permanent sign indicating their business name in letters at least 6 inches high and 1 inch wide. The sign shall be visible to the consumer and shall be in addition to the signs used on the vehicle.
- b) All food shall be stored and displayed at least 24 inches above the ground surface.
- c) All packaged frozen foods shall be maintained frozen and sold or offered for sale to consumers frozen.
- d) Cutting of produce, melons, vegetables, or fruits is prohibited except to show that an item is seedless, ripe, of appropriate color, or other characteristic. Cut produce, vegetables,

fruits, or melons shall not be offered as a sample for tasting to consumers and shall not be sold. Cutting as a method of portioning is prohibited.

- e) A food peddler may dispense soda fountain drinks and assemble snow cones from properly installed equipment, and using approved utensils sell pickles from jars. Open drinks served from bulk containers are prohibited for sale. In addition, when these open food products are to be distributed, approved, self-contained hand washing facilities shall be installed.
- f) Personal vehicles (passenger cars, station wagons) are prohibited for use as a food peddler. When only packaged food in sealed containers is transported by a food peddler, the carpeting in a vehicle need not be removed but shall be covered by a smooth, durable, easily cleanable and non absorbent surface.
- g) Food Peddlers shall sell properly labeled food that is obtained from approved sources only. Sale of food from other mobile food establishments or prepared at home is prohibited.

REGULATION 10. Additional Regulation for Temporary Food Establishments

- a) Only those food items requiring limited preparations shall be prepared. Foods requiring extensive hand contact or multiple steps shall be prohibited from sale or distribution. This prohibition does not apply to foods that have been prepared and/or packaged in facilities meeting the requirements of this Code.
- b) Ice that is consumed or that contacts food shall be obtained only in chipped, crushed or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.
- c) Enough potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating device capable of producing enough hot water for these purposes shall be provided on the premises.
- d) Storage of packaged food in contact with water or undrained ice is prohibited.
- e) A convenient and easily accessible handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, tempered running water, soap, individual paper towels and a catch container for waste.
- f) Floors in all temporary food establishments shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.
- g) The booth construction shall be a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening

material is used, additional wall covering must be maintained on-site in case of inclement weather.

- h) A temporary food establishment shall not be constructed within 100 feet of any petting, ride or holding area for animals.
- i) Approved warewashing facilities shall be provided for all operations where multi-use utensils is required.

REGULATION 11. Additional Requirements for Seasonal Food Establishments

- a) All seasonal food establishments must operate in conjunction with an approved commissary. This commissary must be easily accessible and available for use at all times the seasonal food establishment is in operation.
- b) Only limited cooking and reheating of prepared foods will be allowed at the event. All food preparation must be accomplished at the approved commissary.
- c) Enough potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- d) Floors shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.
- e) The booth construction shall be a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.

REGULATION 12. Additional Requirements for Adventure Food Establishments

- a) All Adventure Food Establishments must operate in conjunction with an approved commissary.
- b) All foods must be prepared for same meal service only. No holdover of heated foods from meal-to-meal or day-to-day is allowed. All leftovers shall be disposed of in an approved manner.
- c) Only limited cooking and reheating of prepared foods will be allowed at the meal site. All food preparation must be accomplished at the approved commissary.
- d) Transport and storage of food and utensils.

- 1) All potentially hazardous food products shall be transported and stored in insulated equipment whose intended use is for such activities. Transport of hot, potentially hazardous food is prohibited without prior written approval from the Department
 - 2) Raw animal products such as meat, poultry, fish, and eggs shall be stored in separate containers, away from other foods.
 - 3) All utensils and other packaged food products shall be transported and stored in approved dust free containers.
 - 4) Ice for consumption shall be maintained separately and not be used to store any food or beverage.
 - 5) All transport and storage equipment shall be fabricated to prevent the entrance of insects or animals when overnight use is required.
- e) Enough potable water shall be made available for food preparation, cleaning and sanitizing utensils and equipment and for handwashing.
 - f) Defrosting or thawing of any potentially hazardous food at the meal site by means other than direct cooking is prohibited.
 - g) A handwashing facility shall be available for employee handwashing while meal preparation and service is occurring. This facility shall consist of, at least, tempered running water, biodegradable soap and individual paper towels. In addition, a separate handwashing facility shall be provided for consumer handwashing prior to and during meal service.
 - h) An approved sanitizer shall be available at all times.
 - i) Approved warewashing facilities shall be provided for all operations where multiple meals are to be served.
 - j) All wastewater and garbage disposal shall be done in accordance with the Maricopa County Environmental Health Code.

MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 4

VENDING MACHINES

In addition to complying with the regulations in section 1 and 2 of this chapter, vending machine operations shall comply with the following Regulations.

REGULATION 1. Permit, Plan Review, and Commissary Required

- a. No person shall operate a potentially hazardous food or water vending machine without holding a valid permit to do so from the Department.
- b. The applicant for a permit shall submit for approval complete plans and specifications, which show compliance with the regulations in this Health Code for each type of vending machine proposed to be used. No potentially hazardous food or water vending machine shall be placed into service without review of plans and subsequent approval from the Department, except as provided in Subparagraph (c), below.
- c. The following are exempt from the requirement to obtain a permit to operate vending machines but shall comply with all pertinent regulations in this Code:
 - (1) Vending machines operated and maintained as a part of, and on the premises of, and under the control of the holder of an eating and drinking food establishment permit;
 - (2) Vending machines that dispense only non-potentially hazardous foods; and
 - (3) Dry type beverage vending machines dispensing bottled or metal can single-service containers.
- d. Every permit holder of a vending permit shall designate and use an approved commissary for all food storage. Permit holders that operate their own commissary shall obtain the appropriate permit for that food establishment. Water vending machines do not require a commissary.

REGUALTION 2. Permit Display and Necessary Information

- a. A permanent sign, visible to consumers, showing the permit number assigned by the Department to the permit holder, the permit holder's business name, a unique identifier assigned to the machine by the permit holder, and a telephone number consumers may use to contact the permit holder, of an approved size and style, shall be permanently and conspicuously affixed to each vending machine used by the permit holder.

- b. The permit holder shall maintain a current list by route, if applicable, of all potentially hazardous food and water vending machines under permit. The lists shall provide the unique identifiers and locations for all machines, frequency of service, type of machine (hot, cold, frozen, water, bulk), and the commissary or other establishments from which machines are serviced. This information shall be provided to the Department upon request. Such lists provided by the permit holder to the Department under this subsection are not public information.
- c. The permit holder shall notify the Department whenever adding new types of vending machines, or conversion of existing machines to dispense potentially hazardous foods other than those for which the permit was issued. Plan review, as stated in Regulation 2., may be required.

REGULATION 3. Sanitation, Packaging, and Dispensing

- a. All foods, beverages, and ingredients offered for sale through vending machines, shall be wholesome, free from spoilage, contamination, misbranding, and adulteration; shall be stored or packaged in clean protective containers; and shall be handled, transported and dispensed in a sanitary manner. Fruit shall be washed at a commissary to remove soil and pesticides, insecticides, or other chemicals, and allowed to air dry.
- b. Condiments provided in conjunction with food dispensed by a vending machine shall be packaged in individual portions or shall be dispensed from approved sanitary dispensers.
- c. Potentially hazardous foods offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper in which it was placed or such products shall be dispensed into single-service containers. Where potentially hazardous foods are dispensed, bulk supplies of such foods, beverages, or ingredients shall be transferred only to a bulk vending machine in which all food contact surfaces have been cleaned and subjected to an effective sanitization process.
- d. Vending machines that hold and vend refrigerated individually pre-wrapped potentially hazardous food that is manufactured by a food processing establishment under permit by this Department shall sell only potentially hazardous food items that bear a "sell by" date positioned on the top or front of the food container.
- e. Vending machines that hold and vend refrigerated individually prewrapped potentially hazardous food that is manufactured by a food manufacturer not under permit by this Department shall sell only potentially hazardous food items that bear a "sell by", or equivalent, date on the food container. Permit holders shall position the food so that these "sell by" or equivalent dates are in plain view of the consumer.

- f. "Sell by" dates shall be legible and plainly presented to the consumer. Potentially hazardous food manufactured by a food processing establishment under permit with this Department that does not bear a "sell by" date or a date that has expired shall not be sold. No food may be re-wrapped or re-dated once placed for sale in a vending machine.

REGULATION 4. Vending Machines, Automatic Shutoff

- a. A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:
 - (1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified under Chapter VIII, Section 2.
 - (2) If a condition specified under subparagraph (a)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Chapter VIII, Section 2.
- b. When the automatic shutoff within a machine vending potentially hazardous food is activated:
 - (1) In a refrigerated vending machine, the ambient temperature may not exceed 5°C. (41°F.) or 7°C. (45°F.) as specified under Chapter VIII, Section 2 for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
 - (2) In a hot holding vending machine, the ambient temperature may not be less than 60°C. (140°F.) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.
- c. Automatic shutoff controls and devices shall not be modified, disabled or removed. No person shall operate a vending machine selling potentially hazardous foods that does not have a fully capable automatic shutoff control or device.
- d. Vending machines dispensing potentially hazardous foods shall be equipped with a thermometer or other temperature measuring device which, to an accuracy of 1.5°C. (3°F.), indicates the air temperature of the food storage compartment, visible to consumers.

REGULATION 5. Sampling

Samples of food, beverage, water, or ingredient thereof shall be taken and examined by or as required by the Department as often as necessary to determine its wholesomeness and freedom from adulteration or misbranding.

REGULATION 6. Cleaning Of Equipment

- a. All multi-use food contact surface parts of vending machines which come into direct contact with any nonpackaged food, beverage, or food ingredient shall be thoroughly cleaned and undergo a sanitization process at the commissary or other approved facility at intervals prescribed by equipment manufacturers or as frequently as necessary to prevent food contamination, and shall be kept clean.
- b. A record of such cleaning and sanitizing operations shall be maintained by the permit holder for each machine and shall be retained for 30 days.
- c. Microwave ovens provided by the permit holder for consumer use at a vending machine location shall be cleaned each time the vending machines at that vending machine location are serviced.

REGULATION 7. Single-Service Containers

All single-service containers, used to receive food or beverage in bulk from vending machines shall be kept in sanitary cartons or packages which protect the containers from contamination, stored in a clean dry place until used, and handled in a sanitary manner. Containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single-service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents, and other contamination.

REGULATION 8. Protection and Ease of Cleaning

- a. Each vending machine location shall be kept clean.
- b. Unless a vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations:
 - (1) The machine shall be mounted on legs six or more inches in height above the floor, or four inches above a counter top; or
 - (2) The machine shall be mounted on casters or rollers; or
 - (3) The machine shall be mounted on gliders, which permit it to be moved easily.
- c. The floor area upon which vending machines are located shall be smooth, of cleanable construction, and capable of withstanding repeated cleaning.
- d. Adequate hand washing facilities, including hot and cold or tempered running water, soap, single-use gloves, and individual sanitary towels, shall be conveniently located for use by food employees servicing or loading bulk food machines.

- e. If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.
- f. The dispensing compartment of a vending machine, including a machine that is designed to vend prepackaged snack food that is not potentially hazardous such as chips, party mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:
 - (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
 - (2) Available for self-service during hours when it is not under the full-time supervision of a food employee.

REGULATION 9. Sturdy Construction and Design

Vending machines shall be of sturdy construction with the exterior door, and panel access openings to food and single-service container storage spaces so designed, fabricated, and finished as to be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

- a. Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. All necessary ventilation louvers or opening into the production area of vending machines shall be effectively screened against insects and rodents by providing screens or materials that provide an equivalent opening no greater than 1.5 millimeters. Screening material shall not be less than 16 or more mesh to 2.5 centimeters (one inch) (16 mesh to the inch) and;
- b. Doors, panel access openings, or covers shall be gasketed and have an interface surface that is at least 13 millimeters or one-half inch wide or;
- c. Jambs or interface surfaces shall be constructed to form L-shaped paths to the interface of doors, covers, and access panels or interface surfaces.

REGULATION 10. Condensing Units

In vending machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the food, food storage space, and single-service container storage areas by a dust proof barrier.

REGULATION 11. Service Connections

All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch to prevent the entrance of insects and rodents. All connections to such utilities shall be such as to discourage unauthorized or unintentional disconnection, which may cause an automatic shutoff control to be activated.

REGULATION 12. Non-Food Contact Surfaces

Non-food contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning, and to facilitate maintenance operations.

REGULATION 13. Food Contact Surfaces

Food contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks and chipped places. The design of such surfaces shall preclude routine contact between food and V-type threaded surfaces. All joints and welds in food contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All containers, valves, fittings, chutes, and faucets that are in contact with food or beverage shall be easily and readily removable and so fabricated as to be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning.

- a. In machines of such design that food contact surfaces such as pipes or tubing are not readily removable, CIP (cleaning-in-place) of such pipes and pipe fittings may be permitted; provided,
 - (1) They are so arranged that a detergent solution, water rinse, and sanitizing solution can be circulated throughout the fixed system,
 - (2) Such solutions will contact all interior surfaces,
 - (3) The system is self-draining or otherwise completely rinsed and evacuated, and
 - (4) The procedures result in thorough cleaning and sanitization of the equipment.

REGULATION 14. Covers and Openings

The openings into all nonpressurized containers used for the storage of foods and ingredients, including water, shall be provided with covers, which prevent contamination from reaching the interior of containers. Such covers shall be designed to provide a flange, which overlaps the opening, and shall be sloped to provide drainage away from the cover surface. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least 3/8" and shall be provided with a cover that overlaps the flange. Condensation or drip-deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings, which are in continuous use. Gaskets, if used, shall be of a material, which is nontoxic, stable, and nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

REGULATION 15. Dispensing Equipment, Protection of Equipment And Food.

In equipment that dispenses or vends liquid food or ice in unpackaged form:

- a. The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;
- b. The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;
- c. The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:
 - (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or
 - (2) Available for self-service during hours when it is not under the full-time supervision of a food employee; and
- d. The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

REGULATION 16. Food Storage Compartment

Every food storage compartment within vending machines dispensing packaged liquid foods, shall be self-draining, or shall be provided with a drain outlet, which permits complete draining of the compartment or diversion devices and retention pans. All such drains shall be easily cleanable.

REGULATION 17. Container Opening Devices

Container opening devices which come into contact with the food or the food contact surfaces of containers shall be constructed of smooth, nontoxic, corrosion resistant, and nonabsorbent materials. Unless the opening device is of a single-service type it shall be readily removable for cleaning, and shall be kept clean. Parts of multi-use opening devices, such as the cutting or piercing parts of can openers, which come into contact with the food or food contact surface of containers shall be protected from manual contact, dust, insects, rodents, and other contamination.

REGULATION 18. Water Standards

- a. Water used in or dispensed from vending machines shall be of a safe and sanitary quality, and from an approved source. Water used as a product ingredient shall be piped into the vending machine under pressure. Such machines shall be equipped with an approved pressure type backflow prevention device and all connections and fittings shall be installed in accordance with applicable plumbing regulations. Containers for the storage of water shall be designed and maintained as food contact surfaces.
- b. External water fill ports or drawers of vending machines shall be designed so that covers and drawers are secured to the machine. Where unauthorized persons may have access to these ports or drawers, external fill port covers or drawers shall be equipped with locks or similar safeguards.

REGULATION 19. Water Filters

Water filters and other water conditioning devices shall be of a type, which may be disassembled for periodic cleaning and replacement. Replacement elements shall be handled in a sanitary manner.

REGULATION 20. Carbonated Water

- a. If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.
- b. To prevent leaching of toxic materials caused by possible interaction of carbonated water with piping and contact surfaces, post-mix soft drink vending machines

which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.

- c. To prevent leaching of toxic materials caused by possible interaction of carbonated water with piping and contact surfaces, post-mix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two single) check valves and a vented valve or similar backflow preventer immediately upstream from the carbonator, with no copper tubing or other potentially toxic tubing or contact surfaces in or downstream from the check and vented valves.
- d. In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

REGULATION 21. Check Valves

Where check valves are used for the protection of the water supply, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves in a location which permits for servicing or replacement.

REGULATION 22. Storage and Removal of Waste

- a. Trash or other waste materials shall be removed from the vending machine location as frequently as necessary to prevent a public health nuisance and shall be disposed of in an approved manner.
- b. Self-closing, leak-proof, readily cleanable, plainly labeled and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception may be made for machines dispensing only packaged beverages with crown closures.
- c. Suitable racks or cases shall be provided for multi-use containers or bottles.

REGULATION 23. Vending Machines, Liquid Waste Products.

- a. Vending machines that dispense liquid food in bulk shall be:
 - (1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
 - (2) Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant; and

- (3) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle

REGULATION 24. Protection While In Transit

Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust and insects, rodents, and other contamination. Similar protection shall be provided for single-service containers and for food contact surfaces of equipment, containers, and devices in transit to vending machine locations.

REGULATION 25. Temperature While Delivering

Potentially hazardous foods or beverages, while in transit to vending machine locations shall be maintained at a temperature of not more than 5° C. (41° F.) or at a temperature not less than 60° C. (140° F.), whichever is applicable.

REGULATION 26. Sanitary Standards for Food Employees

Food employees shall wash their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with unpackaged foods, beverages, or ingredients, or with food contact surfaces of utensils, containers or equipment. While engaged in such servicing operations, food employees shall wear clean outer garments. Such employees shall obtain a food service worker license as described in Chapter VII of this Code.

REGULATION 27. Water Vending Machines

- a. Water supplied to a vending machine shall be from an approved source. Water dispensed from water vending machines shall meet or exceed Federal and State Drinking Water Standards.
- b. Samples shall be periodically taken from each water vending machine by the permit holder, but no less than once every 12 months, and provided to a laboratory certified by the State of Arizona for analysis to detect coliform bacteria. If laboratory results are unsatisfactory, machine shall be taken out of service until such time as satisfactory samples are obtained. Records of the results of laboratory analysis of periodic samples and any subsequent samples necessary because of unsatisfactory results shall be maintained for two years by the permit holder and shall be made available to the Department upon request.
- c. Physical requirements for approved machines:
 - (1) The outlet nozzle shall be isolated in such a manner as to deny the consumer access to the nozzle.

- (2) Provisions shall be made to deactivate the machine and prevent further vending if any malfunction occurs within the machine or if resistance across the filters reaches a predetermined pressure beyond which the filter is no longer effective.
 - (3) A self-closing, tight-fitting door shall be installed on the vending compartment.
 - (4) A backflow preventing device shall be installed on the incoming water line. All connections and fittings shall be installed in accordance with applicable plumbing regulations and codes.
 - (5) Water vending machines equipped with ultraviolet sanitizing attachments shall be equipped with monitoring devices so designed as to shut down the operation of the machine when the ultraviolet unit fails to function.
- d. False or misleading statements or claims on water vending machines are prohibited. Labeling shall include the statement "This machine is connected to an approved public water supply which meets federal and state drinking water standards." Labeling shall also include a statement of any substances and/or preservatives added to the water and all major treatment processes applied thereto.

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MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 5

MEAT ESTABLISHMENTS

REGULATION 1. Definitions

- a. "Meat Equipment" means an article that is used in the operation of a meat establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device knife cleat, tray, meat hook, saw, tenderizer, cleaver, crossarms and all other utensils and items used in the processing of meat fish, poultry, wild game, or molluscan shellfish.
- b. "Meat Establishment" means a retail meat market, store or shop in which meat, - meat products, fish, poultry, wild game, or molluscan shellfish are processed, prepared, stored, sold or offered for sale. Preparation by means of cooking shall be limited to the production of rotisserie chicken and ribs for consumption off the premises.

REGULATION 2. Permits Required

No person shall operate a meat establishment without obtaining and holding a valid permit to do so from the Department.

REGULATION 3. General

- a. All meat, meat products, fish, poultry, wild game, and molluscan shellfish shall be free from unwholesome, poisonous, or other foreign substances and filth, insects or disease causing organisms, and shall be considered a food as defined in Chapter 8, Section 1, Regulation 1(40).
- b. Approved and effective methods of insect and vermin control shall be used at all times. Adequate rodent proofing shall be provided in buildings.
- c. Meat, meat products, fish, poultry, wild game, or molluscan shellfish delivered to the meat establishment in a manner which violates the regulations of the Maricopa County Environmental Health Code shall be refused by the meat establishment. Such products, if received, are subject to condemnation as provided in Chapter 8, Section 1, Regulation 5.
- d. All persons working in a meat establishment shall wear clean outer garments, shall keep their hands clean and their hair restrained at all times while engaged in handling

meat products, fish, poultry, wild game, molluscan shellfish utensils or equipment. While so engaged, such persons shall not use tobacco in any form.

- e. Live animals or birds shall not be permitted on the premises of any meat establishment except that guide dogs, when accompanied by a blind person or police guard dog when accompanied by a police officer on duty, may be allowed in the sales area.
- f. Handling, storing, processing, or selling unpackaged meat, meat products fish, poultry, wild game, or molluscan shellfish in meat establishments by persons other than employees is prohibited.
- g. No unauthorized personnel shall be allowed in areas where meat, fish, poultry, wild game, and molluscan shellfish are cut, packaged, or otherwise processed.
- h. Employees with infectious diseases, infected injuries or other conditions that could contribute significantly to contamination of meat, meat products fish, poultry, wild game, or molluscan shellfish shall be excluded from handling food and utensils.
- i. All meat, meat products fish, poultry, wild game, and molluscan shellfish shall be from a source approved by the appropriate jurisdiction e.g., Arizona Department of Agriculture, Animal Service Division. The Department reserves the right to disapprove meat or meat products from uninspected sources.
- j. Meat, meat products, fish, poultry, wild game, or molluscan shellfish shall not be labeled or represented in a manner which is in conflict with the Arizona Department Of Agriculture, Animal Service Division, Meat And Poultry Inspection requirements or which would misrepresent the item to the consumer.

REGULATION 4. Physical Plant

- a. The floors of all meat establishments shall be constructed of impervious material where they are cleaned by flooding or are subject to spillage or other conditions of hard use. All floors shall be easily cleanable, smooth, and where necessary, graded to drain. Floor wall juncture shall be coved for easier cleaning.
- b. Walls and ceilings of all rooms of a meat establishment shall be finished in a light color, and shall be smooth and washable. They shall be kept clean and in good repair.
- c. The premises of all meat establishments shall be kept clean and free of refuse. No operations connected with a meat establishment shall be conducted in any room used for domestic purposes. Soiled linens, coats and aprons shall be kept in containers reserved for this purpose. An adequate area for employees' clothing shall be provided.
- d. The use of sawdust or other similar materials on the floor of cutting rooms or food storage areas is prohibited.
- e. All openings into the outer air shall be effectively screened. Doors shall be self-closing unless other effective methods are provided to control insects and vermin.

- f. All rooms of a meat establishment shall be well lighted and well ventilated, except that walk-in refrigerators or storage boxes may not need ventilation where recirculation of air is provided.

REGULATION 5. Toilet and Lavatory

- a. Adequate and convenient toilet facilities shall be provided for employees, and shall conform to the requirements of the Department. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair, well lighted and ventilated to the outside air. Hand washing signs shall be posted in each toilet room used by employees.
- b. Adequate and convenient hand washing facilities shall be provided, including hot and cold running water tempered by means of a mixing valve or combination faucet, soap and individual sanitary towels. Lavatories, in addition to those provided in toilet rooms, shall be provided in all processing rooms and shall be easily accessible to all employees. Mixing faucets are required in new construction or when the existing plant is remodeled. No employee shall resume work after using the toilet or performing a task which might contaminate his hands without first thoroughly washing his hands. Lavatories and washrooms shall be kept clean and sanitary.

REGULATION 6. Water Supply

- a. All water shall be obtained from a public or semi-public water system approved by the Department under A.A.C. Title 18, Chapter 4, Article 2. Hot and cold running water shall be easily accessible to all rooms in which products are processed, prepared or in which utensils are washed.
- b. Any connection or condition, including overhead leakage, that may permit an interchange of water between a public or semi-public water supply and a private, industrial, or other source of water supply, is prohibited.
- c. No plumbing fixtures or other device which provides, or may provide, a connection between a public or semi-public water supply and a drainage, soil, waste, or other sewer pipe so as to make possible the backflow or back-siphonage of sewage or wastewater into the water supply system shall be installed or permitted to be installed. Water which has been used for cooling, or for any other purpose, shall not be returned to the system unless the entire installation and operation thereof has been approved in writing by the Department. All plumbing shall be installed in accordance with the applicable local ordinance or code. Where a local Ordinance does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412.

REGULATION 7. Utensils and Equipment

- a. All equipment shall be so constructed as to be easily cleaned, and shall be kept in good repair and shall be nontoxic and of corrosion resistant material. Utensils containing or plated with cadmium are prohibited.

- b. All equipment and utensils shall be kept clean and free from dust, dirt, insects, vermin, and other contaminating material. After each use equipment and utensils shall first be rinsed with hot water to remove the gross food particles. They shall be washed thoroughly with a suitable detergent, rinsed with clean water, and then sanitized in conformance with these regulations. When a chemical sanitizer is used, it shall consist of a solution of a chlorine compound providing, in use solution, at least 100 parts per million of free chlorine. Other methods of sanitizing may be used when approved by the Department.
- c. Equipment must be thoroughly cleaned and sanitized after processing poultry or pork products prior to processing any other products.
- d. Grinders must be thoroughly cleaned and sanitized after processing pork, or poultry products prior to processing any other products.
- e. Grinding heads shall be washed and sanitized at least once a day. Grinding heads which are easily removable shall be washed and sanitized once a day when in use, and shall be stored at 45°F. or less when not in use.
- f. A sink having at least two compartments connected with hot and cold water under pressure shall be provided for the washing and bactericidal treatment of equipment and utensils used in meat establishments. Meat establishments constructed or remodeled after the effective date of these regulations must have a sink for these purposes with at least three compartments. The size of each compartment shall be determined by the largest piece of equipment that needs to be washed. The sink drains are to be connected to a sewage disposal system approved by the Department under A.A.C. Title 18, Chapter 9, Article 8.

REGULATION 8. Refrigeration; Packaging; Transportation

- a. The temperature of meat, meat products, fish, poultry, wild game, or molluscan shellfish requiring refrigeration shall not exceed 45°F. at any time. Frozen products shall be maintained at a temperature of not more than 0°F.
- b. All refrigerators, walk-in boxes, showcases, freezers and vehicles must be equipped with properly located, easily readable thermometers which are accurate within ($\pm 2^{\circ}\text{F.}$) two degrees fahrenheit.
- c. Meat, meat products, fish, poultry, wild game, or molluscan shellfish shall be packaged before delivery in containers or wrappings which assure the product will be protected from contamination.
- d. All trucks used for the delivery of meat, meat products, fish, poultry, wild game, or molluscan shellfish to a retail meat establishment shall be completely enclosed and shall be refrigerated so that the temperature of the products being transported shall not rise above 45°F. at any time. All meat, meat products, fish, poultry, wild game, or molluscan shellfish shall be transported in a manner that avoids exposure to dust,

dirt, filth, or other deleterious substances. No meat or meat products, fish, poultry, wild game, or molluscan shellfish shall be laid directly on the floor of any truck.

**REGULATION 9. Processed Meat and Meat Food Product
Requirements for Retail Meat Establishments**

a. Miscellaneous raw beef products

- (1) Chopped beef, ground beef. "Chopped beef" or "ground beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. When beef, cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent, and if in excess of natural proportions its presence shall be declared on the label in the ingredient statement, and contiguous to the name of the product.
- (2) Hamburger. "Hamburger" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in Paragraph (1) of this section.
- (3) Beef patties. "Beef patties" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat patty. These products must have an ingredient statement with all products used in order of predominance as in Paragraph F.
- (4) Fabricated steak. Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled "Beef Steak, Chopped, Shaped, Frozen", "Minute Steak, Formed, Wafer Sliced, Frozen", "Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, Hydrolyzed Plant Protein, and Flavoring" shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30 percent fat and shall not contain added water, binders or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in Paragraph (1) of this section.

- b. Fresh pork sausage. "Fresh pork sausage" is sausage prepared with fresh pork or frozen pork, or both, not including pork byproducts, and may be seasoned with condimental substances. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or

mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

- c. Chorizo. Pork must be treated to destroy trichinae or use certified pork. If total added moisture is more than 3 percent the product must be labeled "Imitation".
- d. Fresh beef sausage. "Fresh beef sausage" is sausage prepared with fresh beef or frozen beef, or both, not including beef byproducts, and may be seasoned with condimental substances. The finished products shall not contain more than 30 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.
- e. Breakfast sausage. "Breakfast sausage" is sausage prepared with fresh and/or frozen meat, or meat and meat byproducts and may be seasoned with condimental substances. It shall not be made with any lot of products which, in the aggregate, contains more than 50 percent fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used. Extenders or binders are limited to 3 1/2 percent of the finished sausage.
- f. Pork products. All products with pork as an ingredient, except those customarily well cooked in the home, must be treated for the control of trichinae. These products include all cooked and smoked sausage and pork products that may appear to be cooked. The treatment consists of heating to a minimum internal temperature of 137°F., or freezing as set forth in the following chart.

<u>Temperatures °F.</u>	<u>Packages or pieces not over 6" in thickness</u>	<u>Not over 27" in thickness</u>
	<u>Group 1 (days)</u>	<u>Group 2 (days)</u>
5	20	30
--10	10	20
--20	6	12

- g. Cooked sausage. Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar products.
 - (1) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages are comminuted, semi-solid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle and raw or cooked poultry meat, and seasoned and cured, using one or more curing agents. They may or may not be smoked. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing, or to dissolve the curing ingredients, but the sausage shall not contain more than 10 percent of added water. These sausage products may contain uncooked, cured pork from primal parts which do not contain any phosphates. Such products may

contain raw or cooked poultry meat not in excess of 15 percent of the total ingredients, excluding water, in the sausage. Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage.

- (2) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausage that are labeled with the phrase "with byproducts" or "with variety meats" in the product name are comminuted, semi-solid sausages consisting of not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts and raw or cooked poultry products; and seasoned and cured. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15 percent of the meat and meat byproducts or meat, meat byproducts, and poultry products ingredients. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing and seasoning ingredients, but the sausage shall contain no more than 10 percent of added water. These sausage products may contain uncooked, cured pork, which does not contain any phosphates, or contain only approved phosphates. These sausage products may contain poultry products, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage. Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage. The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage. Meat byproducts used in the sausage shall be designated individually in the ingredient statement on the label for such sausage.
- (3) A cooked sausage as defined in Paragraph (1) of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst. Sausage products within Paragraph 1 that are prepared with meat from a single species of cattle, sheep, swine, or goats shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., "beef frankfurter".
- (4) A cooked sausage as defined in Paragraph (2) of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst, in conjunction with the phrase "with byproducts" or "with variety meats" with such supplemental phrase shown in a prominent manner directly contiguous to the generic name and in the same color on an identical background.
- (5) With appropriate labeling such as "Frankfurter, Calcium Reduced Dried Skim Milk Added", or "Bologna, with Byproducts (or Variety Meats), Soy Flour Added", one or more of the following binders may be used in cooked sausage otherwise complying with Paragraphs (1) and (2) of this section: Dried milk,

calcium reduced dried skim milk, nonfat dry milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3 1/2 percent of the finished product, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3 1/2 percent of any one or more of the other binders.

- (6) Cooked sausages shall not be labeled with terms such as "All Meat" or "All (species)", or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat. Sodium nitrate, sodium nitrite, potassium nitrate and potassium nitrite may be added to the product provided that total nitrates and nitrites are not in excess of 200 parts per million. Bacon shall not contain nitrates and nitrites in excess of 120 parts per million. Seasoning substances or additives including common salt, wood smoke, vinegar, flavorings, spices or approved sugars, such as sucrose, cane or beet sugar, maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup may be added.

h. Labeling

- (1) All processed, blended or otherwise prepared meat, meat products, fish, poultry, wild game, or molluscan shellfish that are packed in any can, pot, tin, box, canvas or other receptacle or covering constituting an immediate or true container, shall be labeled. Labels shall contain, prominently and informatively, the following:
 - (a) The true name of the product, identified with the manufacturer and place of manufacture.
 - (b) A list of the ingredients giving common or usual names of the ingredients, when there are two or more ingredients, and arranged in the order of their predominance. If ice or water is used to facilitate chopping or mixing in the preparation of sausage, it must be appropriately declared on the label.
 - (c) Additionally, packaged food shall be labeled as specified by law in 21CFR101 - food labeling, and 9CFR317.

REGULATION 10. Inspections

Inspections of meat establishments will be performed by the Department at least once every six months. Additional inspections of meat establishments may be performed as often as necessary for the enforcement of these rules and regulations.

REGULATION 11. Sanitation

Every meat establishment shall comply with Regulations in Sections 1 and 2 of this Chapter, and the Regulations in this Section.

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MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,

FOOD HANDLING ESTABLISHMENTS

SECTION 6

FOOD RELATED FACILITIES

In addition to complying with the regulations in Section 1 and 2 of this Chapter, Beverage Plants, Damaged and Salvaged Food Establishments, Bakeries, Ice Manufacturing Plants, Refrigerated Warehouses and Food Catering Establishments shall comply with the following Regulations.

REGULATION 1. Beverage Plants

- a. Bottling, canning and packaging shall be performed using approved mechanical apparatus.
- b. The product surface contact surface of containers shall be inert to the contents.
- c. Chipped, cracked, or otherwise defective containers shall not be used.
- d. Crowning and closing shall be done by approved machinery. Hand crowning or closing is prohibited.

REGULATION 2. Salvage and Sale of Damaged Food

- a. Damaged food shall be stored apart from other food and food products in a section or area of the premises clearly designated by sign as the "Damaged Foods Section."
- b. Damaged food shall be labeled either on the food itself or on its container or package, to indicate the nature of the damage, such as "fire damaged", "radiation damaged", etc.
- c. No person shall sell, offer for sale or give away damaged food that is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to human health.
- d. Any person in charge of a food establishment wherein food has been subjected to any of the deleterious influences described Chapter VIII, Section 1, definition of damaged food, shall notify the Department thereof before marketing such food.

REGULATION 3. Bakeries

- a. Refrigeration – All readily perishable bakery products, such as custard or cream filled pastries or pies, commonly known as cream pies shall be cooled to a temperature specified in Chapter VIII, Section 2, §3-501.16 within one (1) hour of completion and shall be kept at or below that temperature. Perishable ingredients shall be kept at a temperature specified in Chapter VIII, Section 2, §3-501.16 or less at all times.
- b. Wrapping and Transportation – No bakery product shall be transported or delivered unless it is wrapped or packaged to prevent contamination. Packaging shall be done

at the place of manufacture. An exception may be allowed where bakery products are transported from the place of manufacture to a retail branch store where the unwrapped products shall be displayed only in enclosed display cases. The unwrapped products may be packed for transportation in dust proof bulk containers. Bulk containers shall be of easily cleanable construction, and shall be kept clean at all times. The unwrapped contents thereof shall not be handled by drivers or any other person.

- c. Vehicles – All vehicles used in transporting bakery products shall be of a closed type, dust and fly proof. All shelves used in such vehicles shall be readily removable and easily cleanable.

REGULATION 4. Ice Manufacturing Plants

- a. Ice and all water used in ice manufacturing, including that used in preparing brine solutions, shall be of a safe, sanitary quality and from an approved public or private water supply system.
- b. Only potable water shall be used in sprays and in filling dipping wells, for the removal of ice cakes from the ice cans or tanks.
- c. A nonpotable water supply approved by the Department may be permitted within the establishment for purposes of fire protection and the cooling of refrigeration equipment.
- d. Ice shall not come in direct contact with water in dipping wells.
- e. If water is treated with chemicals or additives at the ice plant, the treatment and facilities shall be as approved by the Department.
- f. Air used for water agitation shall be filtered or otherwise treated to render it free of dust, dirt, insects and extraneous material. Air intakes shall be so located and maintained as to accomplish this. Filters shall be located upstream from the compressor and shall be easily removable for cleaning or replacement.
- g. The blower or compressor for supplying air for water agitation shall be designed so it will deliver oil-free air.
- h. Ice shall not be stored or kept in canvas containers unless provided with a sanitary single-service liner, which protects the ice from contamination.
- i. Freezing tank covers shall be so designed and of such material as to protect the ice containers from splash, drip and other contamination. Such covers shall be equipped with lifting rings or similar devices.
- j. No person shall enter the tank room or any room or area where ice contacts a walking surface, unless they wear clean suitable boots or shoe covering. Such boots or shoe covering shall be removed when the person leaves such room or area; provided, that if boots or shoe coverings are not removed, they shall be thoroughly washed in an approved sanitizing solution before re-entering such rooms or areas.
- k. Ice for human consumption shall be transported in clean, enclosed vehicles. Vehicles hauling unpackaged ice shall be thoroughly washed immediately prior to loading with ice.
- l. That part of core suction or filling equipment that penetrates the ice block shall be properly protected against contamination when not in use. Where a protective collar is used, it shall be large enough and so positioned as to prevent the tip of the suction or filling tube from touching the deck when it is laid down.

- m. Contaminated ice shall not be sold, offered for sale, or given away for human consumption.
- n. Ice used for human consumption shall not be cracked, chipped, crushed, packaged, or pulverized on delivery trucks, loading platforms, or on the ground. This operation shall be performed in an enclosed protected area.
- o. All cubed or crushed ice shall be transported and delivered in clean, closed, single-service bags, cartons or containers which shall be stored in a clean dry place until use, and shall be handled in a sanitary manner. Single-service containers shall be used once only.
- p. No toilet room or toilet vestibule shall open directly into ice making or ice storage areas.
- q. Containers used to package ice for retail sale shall be labeled in accordance with 21CFR101.
- r. Ice making machines and associated equipment shall be located so that the ice will not be exposed to any source of contamination while being produced, handled, packaged or stored.
- s. Ice that is available for self-service by the public shall be dispensed in single-service packages or through a device which will not permit exposure or access to ice held in storage.
- t. Ice making, handling and storage equipment shall be kept clean.
- u. All persons engaged in the handling or packaging of ice shall wear clean clothing and wash their hands immediately prior to such packaging.

REGULATION 5. Refrigerated Warehouses

- a. No food shall be placed, received, or kept in a refrigerated warehouse unless such food is in a pure and wholesome condition. Food or food products marked "withheld", "embargoed", or "condemned" shall be kept in a place and under conditions which have been approved by the Department.
- b. The operator of a refrigerated warehouse shall, upon request from the Department, when it has reasonable suspicion regarding the wholesomeness of food, submit reports setting forth the quantity and condition of any food or food product stored therein.
- c. Period of Storage -- No person shall keep or permit to remain in any refrigerated warehouse any food beyond the time when it is sound, wholesome and fit to remain in storage. Food found to be fit for human consumption but unfit for further storage shall at once be removed from warehouse storage. No food shall be kept or permitted to remain in any refrigerated warehouse for a longer aggregate period than twenty-four (24) calendar months except by permission of the Department. Upon written application for an extension of time, the Department may approve such request if it determines that the food is sound, wholesome and fit for further storage. If any food is held longer than twenty-four (24) months without an approved extension and neither the operator nor the Department can locate the owner of said food, after a ten (10) day notice made by Registered Mail to the last known address of such owners by the operator of the facility, the Department may, at its discretion, order the disposition of the food.
- d. Restorage Prohibited -- No food that has once been released from storage in a refrigerated warehouse and placed on the market for sale to consumers or delivered

for use by the ultimate consumer, shall again be placed or stored in a refrigerated warehouse for resale for human consumption.

- e. Marks, Tags, Identification of Food -- The operator of each refrigerated warehouse shall assign to each lot of food and drink, when received for storage, a distinguishing lot number for identification purposes and shall keep an accurate record of such lot number and shall also make and keep a record of the date of the receipt and the date of removal of each lot of food and drink. No food shall be held unless plainly marked and tagged, either upon the container or upon the article itself, with the identification lot number assigned and recorded in accordance with this regulation, except that where food products are bulk-piled, palletized or piled in unit loads it will be satisfactory to have the outside of the bins in which the bulk is piled or the outside of containers marked as required.
- f. Transfer -- Food may be transferred from one refrigerated warehouse to another if all prior stamping, tags and marking remain thereon and such transfer is not made for the purpose of evading the provisions of this Code.
- g. Alteration Prohibited -- No person shall alter, obliterate, mutilate, destroy, remove or eradicate any stamp, tag or mark placed upon any food package, container or food to indicate that the food was received for refrigerated storage from within or from out of the County in order to evade any of the provisions of this Code.

REGULATION 6. Frozen Desserts

- a. Finished products - after pasteurization, frozen desserts or frozen dessert mix shall not contain in excess of 20 coliform per gram and/or in excess of 50,000 plate count of bacteria per gram at any time.
- b. Method of determination -- bacteria and other counts referred to herein shall be based on recognized standard methods of analysis as prescribed in the latest edition of standard methods for the Examination of Dairy Products of the American Public Health Association, Inc.
- c. The Department shall suspend the conversion of pasteurized mix into frozen dessert whenever the bacteria counts and/or coliform determinations exceed the quality standards for frozen desserts in three out of the last five samples taken on separate days.

REGULATION 7. Food Caterers

- a. All catering activities must occur out of an approved and permitted food establishment/commissary.
- b. Only limited cooking and reheating of prepared foods will be allowed at the event site. All food preparation (breading, chopping, mixing, etc.) must be accomplished at the permitted commissary.
- c. Food products that have been heated in any way are to be discarded at the end of the day/event. Exceptions to this rule may be allowed when proper on-site facilities are available and with prior approval from the Department.
- d. All food products requiring temperature control shall be transported and stored in equipment whose intended use is for such activities.
- e. All vehicles carrying food and food products shall be constructed, equipped and maintained as to protect the purity and wholesomeness of the transported products.

Personal vehicles (passenger cars and station wagons, etc.) are prohibited for use with a food catering operation.

- f. Accessible handwashing facilities shall be located and maintained open at all times. Where suitable facilities are not immediately accessible, a temporary handwashing station will be required. This facility shall consist of, at least, tempered running water, soap and individual paper towels.
- g. Where off-site food service is to occur outdoors, acceptable booth enclosure for all food activities is required.
- h. All sewage, including liquid waste, shall be disposed of according to A.C.R.R., Title 9, Chapter 8, Article 3.
- i. All foods offered for customer self-service (i.e. on a buffet or similar means) or displayed in a manner as to easily contaminate shall be protected from such contamination by the use of packaging, food guards, display cases or other effective means. In addition, foods that have been offered in this manner shall not be used for human consumption upon the completion of the day/event.
- j. Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky or visibly soiled.

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MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 7

BOTTLED WATER

In addition to complying with the regulations in Section 1 and 2 of this Chapter, Bottled Water operations shall comply with the following Regulations.

REGULATION 1. Bottled Water Rules

The provisions of A.A.C. Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, paragraph a & b, shall be met.

R9-8-201. Definitions

In this article, unless the context otherwise requires:

1. "Approved Source" when used in reference to a plant's water product or water used in the plant's operations means the source of the water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source that has been inspected by the Arizona Department of Environmental Quality and issued a Certificate or Notification of Approval.
2. "Artesian Well Water" means natural water from a well tapping an aquifer in which the water level will stand above the bottom of confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity.
3. "Bottled Water" means water that is from an approved source and is placed by a food establishment in a sealed container or package for human consumption or other consumer uses and has been produced by any of the processes described in R9-8-203 or which has undergone minimum treatment consisting of filtration (activated carbon and/or particulate) and ozonation or an equivalent process.
4. "Carbonated Water" means bottled water containing carbon dioxide. It is also known as "Sparkling Water" or "Soda Water".
5. "Cleaning-in-Place" means the automatic or mechanical cleaning and/or sanitizing of a stationary piece of equipment.
6. "CFR"; means the Code of Federal Regulations.

7. "Department" means the Arizona Department of Health Services or a local Health Department designated by the Director.
8. "Distilled Water" means water which has been produced, a process of distillation and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.) dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
9. "Drinking Water" means water obtained from an approved source for purposes of human consumption.
10. "Filler Equipment" means a machine used for the purpose of bottling or packaging liquids.
11. "Fluoridated Water" means water containing naturally occurring or added fluoride ion and complying with The Food and Drug Administration Quality Standards set forth in 21 CFR §103.35.d.2 (4-1-89 Ed.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
12. "Mineral Water" means "Natural Water" that contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Department of Environmental Quality.
13. "Mineralized Water" means water which has been modified by the mineral addition or deletion and contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Department of Environmental Quality.
14. "Natural Water" means spring, artesian well or well water, derived from an underground formation, which is unmodified by blending with water from another source or by mineral addition or deletion but may be treated to reduce the concentration of any substance, except minerals, to meet the Safe Drinking Water Standards established by the Arizona Department of Environmental Quality.
15. "Naturally Carbonated" or "Naturally Sparkling" means water that contains carbon dioxide and that emerges from the source and is bottled directly with its entrapped gas or from which the gas is mechanically separated from the water and later reintroduced into the water at the time of bottling.
16. "Purified Water" means water produced by distillation, deionization or reverse osmosis and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.), dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
17. "Soda Water" means bottled water containing carbon dioxide.
18. "Sparkling Water" means bottled water containing carbon dioxide.

19. "Spring Water" means water other than artesian that is derived from a natural underground stratum that flows naturally or by external enhancement to the surface through a natural orifice, or from a bore hole adjacent to the natural orifice and which meets the requirements of "Natural Water".
20. "Well Water" means water from a hole bored into the ground which taps the water of the aquifer and which meets the requirements of "Natural Water".

R9-8-203. Processing Practices

- a. All bottled water processed or sold in Arizona shall be processed and packaged in accordance with the U.S. Food and Drug Administration's Good Manufacturing Practice Regulations for Bottled Water beginning at 21 CFR §129 (4-1-89 ED.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
- b. Bottled water shall not be processed or bottled through a line or other equipment used for any other purpose, except that filler equipment used to bottle liquids intended for human consumption may also be used to bottle water, provided:
 1. Filler and processing equipment, unless specifically designed for cleaning-in-place, shall be completely disassembled and cleaned after each use and sterilized after assembly.
 2. A separate set of gaskets, o-rings and similar flexible materials is used for bottling water.
 3. A physical break exists between all processing lines at the filler inlet.
- c. The provisions of R9-8-203.b. shall not apply to soft drink bottling operations processing carbonated water.

R9-8-204. Labeling Requirements

- a. All bottled water processed or sold in Arizona shall conform to the requirements established in A.R.S. §36-906, and shall be labeled in compliance with one of the following standards:
 1. Mineral water shall be labeled "Mineral Water" or "Natural Mineral Water".
 2. Mineralized water shall be labeled "Mineralized Water".
 3. Spring water shall be labeled "Spring Water" or "Natural Spring Water".
 4. Naturally carbonated or naturally sparkling water shall be labeled with the words "Naturally Carbonated" or "Naturally Sparkling".
 5. Bottled water which contains carbon dioxide, other than "Naturally Carbonated or Naturally Sparkling", shall be labeled with the words "Carbonated" or Sparkling" or "Soda Water".
 6. Well water shall be labeled "Well Water" or "Natural Well Water".

7. Artesian well water shall be labeled "Artesian Well Water", "Natural Artesian Well Water" or "Natural Well Water".
 8. Purified water shall be labeled "Purified Water" and the method of preparation shall be stated on the label except that purified water produced by distillation may be labeled "Distilled Water".
 9. Drinking water shall be labeled "Drinking Water".
- b. Any bottler, distributor, or vendor of bottled water whose corporate name, brand name or trademark contains the words "Well", "Artesian Well", "Natural" or any derivation of these words shall label each bottle with source of the water in typeface at least equal to the size of the typeface of the corporate name or trademark if the actual source of the bottled water is different from the source stated in the corporate name, brand name or trademark.
 - c. The use of words "Spring", "Spring Fresh", "Spring Brand", "Spring Type" or other language containing the word "Spring" in a corporate name, brand name or trademark, or in describing the water, is prohibited unless the water is "Spring Water" as defined in R9-8-201.
 - d. Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but shall not imply properties of the product or preparation methods which are not accurate.

R9-8-205. Source Water Sampling

- a. Samples shall be taken of approved sources of water by plant operators or their agents according to the schedule established in A.C. R18-4-223.
- b. Sampling and analysis shall be by laboratories certified in accordance with A.A.C. R9-14-602 and shall be in addition to any sampling performed by the Department.
- c. Original laboratory records of bacteriological analyses shall be kept by the bottler for five years. Records of chemical analyses shall be kept for ten years.

R9-8-206. Finished Product Sampling

- a. To assure that the plant's production of bottled water is in compliance with 21 CFR §103.35 (4-1-89 Ed.), Incorporated herein by Reference and on file with the Office of the Secretary of State, the plant shall have the following analyses performed by a laboratory certified according to the provisions of A.A.C. R9-14-602:
 1. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed weekly for microbiological purposes.
 2. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed annually for chemical, physical and radiological compliance.
- b. The representative samples required in subsection a above shall be derived from the bottled product.
- c. Records of the sampling and analyses shall be maintained on file at the place of operation for a period of two years and shall be made readily available to the Director.

R9-8-207. Transportation Vehicles

- a. Bottled water shall be transported in vehicles used only for the transportation of food and other non-toxic products.
- b. All vehicles transporting bottled water shall be clean and shall protect the bottled water from dust, dirt, insects and other vermin.

R9-8-209. Public Nuisance

- a. Any water supply, label, premises, equipment, process or vehicle which does not comply with the minimum standards of this article shall be considered a public nuisance.
- b. All bottled water public nuisances shall be abated by revocation of the bottling establishment's permit or through the procedures established in A.R.S. §36-601 or by any other means permissible by law.

REGULATION 2. Sanitation

Every bottled water plant in which is carried on the process of placing water from an approved source into a sealed container or package shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the general Regulations of this Code, and with the specific provisions of this Section.

REGULATION 3. Permit Required

No person shall operate a bottled water plant without holding a valid Permit to do so from the Department.

All bottled water processors shall be inspected prior to issuance of a Permit and once every six months thereafter for compliance with the minimum standards of this Article.

REGULATION 4. Water Quality and Source

- a. All bottled water processed in Arizona shall be obtained from a source whose quality is approved by the Director of the Department of Environmental Quality or a local Health Department designated by the Director in accordance with provisions of the A.A.C., Title 18, Chapter 4, Article 2.
- b. With the exception of mineral water, mineralized water carbonated water, bottled water processed or sold in Arizona shall meet or exceed the minimum quality standards prescribed by 21 CFR §103.35 (4-1-89 ED.), Incorporated herein and on file with the Office of the Secretary of State.

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